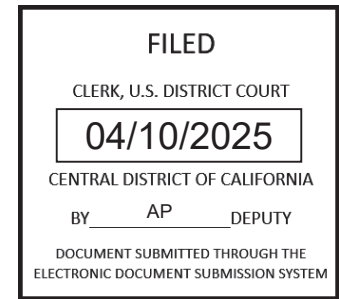


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4
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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SAN BERNARDINO DIVISION

15 COURTNEY RYLES CAAL,
16 Plaintiff,

19 v.

20 RIVERSIDE COUNTY SUPERIOR
21 COURT / JUDGE MAGDALENA
22 COHEN, et al.,
23 Defendants.

Case No.: 5:25-cv-00900-RGK(PVC)

Verified Civil Rights Complaint and Ex Parte Application to Exceed Page Limits — 101 Causes of Action Arising from Unlawful Child Seizure, ADA Violations, Fraudulent Guardianship, and Systemic Misconduct

I. INTRODUCTION AND PREFACE

This case presents a federal emergency involving the unlawful and unconstitutional seizure of a child from his mother—Plaintiff Courtney Ryles Caal—without a warrant, without a dependency petition, without judicial findings, and without lawful authority.

For over 700 days, Plaintiff has been forcibly and illegally separated from her minor son, David Caal-Ryles, based on a fraudulent probate guardianship petition filed on May 8, 2023, by a private individual, Christopher Normand. That petition deliberately concealed and relied upon an unlawful child seizure carried out the day prior—May 7, 2023—by Riverside County CPS, law enforcement, and a San Bernardino County Sheriff operating off-record under the false identity of “Officer AOD.”

The harm is not hypothetical. It is ongoing, compounding, and devastating.

Since that day, Plaintiff has been denied fundamental rights guaranteed by the Constitution:

- No adjudication of parental unfitness,
- No hearing on the merits,
- No dependency court oversight,
- No UCCJEA jurisdictional findings,
- And no lawful cause for the continued separation.

Instead, Plaintiff has been met with systemic suppression, intentional concealment, and procedural obstruction by state actors—including CPS agents, court investigators, judges, and attorneys—under color of law.

1 This is not simply a lawsuit—it is a demand for emergency federal redress under the
2 Constitution, civil rights law, and disability law, seeking to halt ongoing harm and restore lawful
3 custody.

4
5 Plaintiff brings this action under:

- 6 • 42 U.S.C. § 1983 (civil rights violations),
7
- 8 • 42 U.S.C. §§ 12101–12213 (ADA Title II),
9
- 10 • 29 U.S.C. § 794 (Rehabilitation Act § 504),
11
- 12 • The Fourth and Fourteenth Amendments,
13
- 14 • California and federal tort law,
15
- 16 • The Racketeer Influenced and Corrupt Organizations Act (RICO),
17
- 18 • And all other applicable statutory and equitable doctrines.
19

20 **I. JURISDICTION AND VENUE**

- 21 1. This is a civil action for declaratory, injunctive, and monetary relief arising from
22 systemic violations of the United States Constitution and federal civil rights statutes,
23 including but not limited to:

- 24 • The Fourth Amendment (unlawful seizure),
25
- 26 • The Fourteenth Amendment (procedural and substantive due process
27 violations),
28

- 42 U.S.C. § 1983 (civil rights violations under color of law),
- The Americans with Disabilities Act (ADA), Title II, 42 U.S.C. §§ 12101–12213,
- Section 504 of the Rehabilitation Act, 29 U.S.C. § 794,
- The Bane Act, Cal. Civil Code § 52.1,
- And potential predicate acts under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961–1968.

2. This Court has subject matter jurisdiction pursuant to:

- 28 U.S.C. § 1331 (federal question),
- 28 U.S.C. § 1343 (civil rights and equal protection violations),
- 42 U.S.C. § 1983,
- 42 U.S.C. § 12133 (ADA enforcement),
- 29 U.S.C. § 794a(a)(2) (Rehabilitation Act enforcement),
- 28 U.S.C. § 2201–2202 (Declaratory Judgment Act),
- And Federal Rule of Civil Procedure 65 (TRO and preliminary injunction).

3. This Court also has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367, as they arise from the same common nucleus of operative fact.

4. Venue is proper in the United States District Court for the Central District of California, Eastern Division (San Bernardino) under 28 U.S.C. § 1391(b) because:

- A substantial part of the events or omissions giving rise to the claims occurred within this district;

- The unlawful removal, concealment, and retention of Plaintiff's child occurred in San Bernardino and Riverside Counties;
- Multiple defendants reside or are employed in this District;
- And the child, D.C.R., remains unlawfully detained under color of state law by actors within this jurisdiction.

5. Plaintiff brings this action individually and as the natural mother of D.C.R., a minor child, to enforce her and her child's civil rights, seek declaratory and injunctive relief, and demand immediate return of custody and restoration of the familial relationship severed without lawful justification for more than 700 days.

III. PARTIES

1. **Plaintiff Courtney Ryles Caal** is a resident of San Bernardino County, California. She is the biological and legal mother of the minor child at issue. Plaintiff is a qualified individual with disabilities under the Americans with Disabilities Act (ADA), including documented visual impairment, physical injuries, and cognitive limitations. She has continuously asserted her parental rights since the unlawful removal of her child on or about May 7, 2023. Plaintiff appears pro se to vindicate her constitutional, statutory, and civil rights and those of her child.
2. **Defendant Riverside County Superior Court** is a public entity and arm of the State of California, responsible for administering civil, probate, and

juvenile proceedings. It is sued for declaratory and injunctive relief under *Ex parte Young* for ongoing constitutional violations.

3. **Defendant Judge Magdalena Cohen** is a Superior Court Judge in Riverside County. She is sued in her official capacity for injunctive and declaratory relief and in her individual capacity for nonjudicial acts outside her jurisdiction, including knowingly advancing void proceedings and denying ADA accommodations.
4. **Defendant San Bernardino County Superior Court** is a public entity and arm of the State of California. It is sued for declaratory and injunctive relief based on jurisdictional violations during guardianship proceedings.
5. **Defendant Judge Damien Garcia** is a Superior Court Judge in San Bernardino County. He is sued in both his individual and official capacities for presiding over a void proceeding without subject matter jurisdiction, denying Plaintiff access to the court, and ignoring jurisdictional objections in violation of clearly established law.
6. **Defendant Riverside County Child Protective Services (CPS)** is a division of the Riverside County Department of Public Social Services (DPSS), a government agency tasked with child welfare investigations. CPS is sued for its role in the warrantless, extrajudicial seizure of Plaintiff's child on May 7, 2023, and for ADA and constitutional violations.
7. **Defendant San Bernardino County** is a municipal entity responsible for oversight of public employees and departments, including the Children and Family Services (CFS) agency. It is liable under *Monell v. Department of*

1 Social Services, 436 U.S. 658 (1978), and for failure to supervise, train, and
2 discipline employees engaging in unconstitutional and tortious conduct.

3 8. **Defendant San Bernardino County Children and Family Services**
4 **(CPS/CFS)** is a county agency responsible for the care and protection of
5 children. It is sued for unlawful coordination with Riverside County CPS and
6 private actors to seize Plaintiff's child without court order or lawful
7 justification.
8

9 9. **Defendant Danya Galarza** is a CPS social worker employed by San
10 Bernardino County. She is sued in both her individual and official capacities
11 for knowingly participating in a conspiracy to conceal jurisdictional defects,
12 threaten Plaintiff with retaliatory action, and deny ADA accommodations.
13

14 10. **Defendant Fatina Sanders Supervising CPS caseworker** employed by San
15 Bernardino County. She is sued in both her individual and official capacities
16 for failing to investigate material facts, suppressing exculpatory evidence, and
17 contributing to the unlawful removal and concealment of Plaintiff's child.
18

19 11. **Defendant Kyndal London** is a court investigator affiliated with San
20 Bernardino Superior Court. She is sued in her individual and official
21 capacities for submitting reports containing material omissions, knowingly
22 misrepresenting Plaintiff's parental status, and denying Plaintiff a meaningful
23 opportunity to be heard.
24

25 12. **Defendant Danielle Kitchen** is a court-appointed Riverside CPS Social
26 Worker/Investigations Region and 1513(b) investigator. She is sued in both
27 her individual and official capacities for filing biased, incomplete reports,
28

1 disregarding exculpatory evidence provided by Plaintiff, and advancing a void
2 guardianship petition in violation of her duties.

3 13. **Defendant Mark H. McGuire (#261304)** is an attorney at Fullerton,
4 Lemann, Schaefer & Dominick who served as a court-appointed Guardian ad
5 Litem. He is sued in both his individual and official capacities for failing to
6 disclose conflicts of interest, concealing jurisdictional flaws, and perpetuating
7 false allegations under color of law.

8
9 14. **Defendant Shelby (Shelton) Phillips (#318651)** is an associate attorney at
10 William M. Nassar & Associates who participated in the guardianship case.
11 She is sued in both her individual and official capacities for presenting
12 misleading legal claims, suppressing material facts, and acting in furtherance
13 of a constitutionally void proceeding.

14
15 15. **Defendant Christopher Normand** is Plaintiff's brother and the petitioner in
16 the underlying guardianship case. He is sued individually for filing fraudulent
17 documents under penalty of perjury, abducting Plaintiff's child in conspiracy
18 with public officials, and engaging in ongoing concealment and perjury.
19 Notably, before law enforcement arrived on May 7, 2023, Normand
20 physically assaulted Plaintiff's husband in front of witnesses.

21
22 16. **Defendant Whitney Mims** is Plaintiff's sister and sister of Christopher
23 Normand. She is sued individually for participating in the wrongful removal
24 and concealment of the child, for false representations made to Riverside, San
25 Bernardino CPS and law enforcement, and for aiding in the fraudulent
26 guardianship petition.
27
28

1 17. **Defendant Sheri Cruz** is a Probate Examiner employed by the Riverside
2 County Superior Court. She is sued in her individual and official capacities for
3 her role in Obstruction Under Color of Law for her Vacatur of March 28,
4 2025 hearing.

5 18. DOES 1–50, inclusive, are individuals, supervisors, clerks, county agents,
6 legal professionals, or law enforcement personnel whose identities are
7 presently unknown. These Defendants acted individually and/or in concert
8 with the named parties, and each is responsible in some manner for the
9 violations and harms alleged herein. Plaintiff will seek to amend this
10 Complaint to allege their true names and capacities when ascertained.
11
12
13
14

15 **STATEMENT OF FACTS**

16 **A. The Unlawful Seizure – May 5 to May 7, 2023**

- 17
18 1. Plaintiff Courtney Ryles Caal is the biological and legal mother of David Humberto Caal
19 Ryles, a minor child born and raised in California. Until May 7, 2023, David resided
20 lawfully with his mother in San Bernardino County. No court had ever declared Plaintiff
21 unfit, and no dependency, custody, or criminal proceedings had stripped her of her
22 parental rights.
23
24 2. On May 5, 2023, Plaintiff arranged a short, informal family visit for her minor child,
25 David Humberto Caal Ryles, to spend time with her maternal relatives—Whitney Mims
26 (Plaintiff’s biological sister) and Christopher Normand (Plaintiff’s brother)—at their
27 home in Riverside County. The visit was voluntary and non-custodial, consistent with
28

1 familial cooperation. Plaintiff maintained full legal and physical custody and expected
2 David to return within days. This arrangement was not court-supervised or ordered in any
3 legal capacity.

4
5 2.1. Leading up to this visit, Whitney Mims had made repeated and hostile verbal threats
6 to Plaintiff regarding her intent to “take” David away. These threats were deeply
7 rooted in long-standing resentment and ableist cruelty. Whitney, unable to have
8 children due to infertility, had expressed jealousy and animus toward Plaintiff—often
9 stating that it was “unfair” that her “retarded sister” had a husband, a home, and a
10 child while she did not. These statements were made on multiple occasions and
11 witnessed by other family members.

12
13 2.2. Plaintiff had, on several occasions, attempted to keep her distance from Whitney due
14 to this history of psychological abuse and toxic behavior. However, hoping to
15 maintain limited familial contact for David’s benefit, Plaintiff allowed the brief visit
16 on May 5. Plaintiff remained in contact and never waived her rights or responsibilities
17 as a parent.

18
19 3. On May 7, 2023, everything changed. When Plaintiff called and requested that Whitney
20 return her son home as scheduled, Whitney refused. Plaintiff became increasingly
21 distressed, crying over the phone and pleading for the return of her child. Whitney
22 continued to refuse. Alarmed and afraid, Plaintiff called the San Bernardino Police
23 Department, who advised her to go directly to Whitney’s home and call local authorities
24 in Riverside County upon arrival.

25
26 4. What unfolded next was a shocking and unconstitutional seizure. Upon arrival in
27 Riverside, Plaintiff was met with obstruction and hostility. She was denied access to her
28

1 child and encountered a coordinated, unconstitutional seizure involving Riverside Police
2 Officer Tuggle, Riverside CPS Intake Specialist “ Roz”, Riverside CPS Social Worker,
3 Latonya Lewis, and an unidentified San Bernardino County Sheriff’s deputy,(Officer
4 Shannon, later revealed to be acting under color of law while concealing his identity as an
5 “AOD Officer.”
6

7 5. Before officers arrived, Plaintiff was confronted not only with hostility but with violence.

8 Before officers arrived, Christopher Normand physically assaulted Plaintiff’s husband
9 and brandished a firearm; an incident that was documented in the police report to be
10 unfounded.
11

12 6. Law enforcement escalated the situation by responding to a 911 call alleging
13 “brandishing a firearm”—a claim determined to be unfounded according to Officer
14 Tuggle’s report. No weapon was recovered, no one was arrested, and no violence
15 occurred on Plaintiff’s part.
16

17 7. Riverside CPS, La Tonya Lewis unilaterally seized David, despite no judicial
18 authorization, no declaration of exigency, and no investigation of Plaintiff.

19 8. Plaintiff was never arrested, accused, or subject to any legal action stemming from the
20 abuse allegations made by Christopher Normand and Whitney Mims. She was treated as
21 a suspect rather than a parent, and no attempt was made to determine fitness, offer
22 voluntary placement, or conduct an emergency hearing. The seizure was done without a
23 court order, warrant, or just cause.
24

25 9. Riverside CPS Social Worker Latonya Lewis proceeded to make placement and safety
26 determination of the child without criminal history findings, without a warrant, a court
27
28

1 order, or any declaration of exigency. Critically, at no point to this day has Plaintiff been
2 presented with a court order, warrant, or exigency determination.

3 10. On May 7, 2023, Riverside CPS Social Worker Latonya Lewis unlawfully made “
4 placement and safety” determination of Plaintiff’s child without a warrant, without
5 judicial approval, and without any documented exigency, in violation of the Fourth and
6 Fourteenth Amendments, WIC §§ 306, 309, and 328, and Civil Code § 52.1.
7

8 **B. The Fraudulent Guardianship Scheme**
9

10 11. No dependency petition was filed. No hearing occurred. This administrative action
11 constituted an unconstitutional seizure, under color of law, which persists without
12 correction to this day.
13

14 12. **Meanwhile**, the adults currently housing David are all convicted felons with serious
15 criminal histories.

16 13. Upon information and belief, based on personal observation and documented history, the
17 adults currently housing David have criminal records, unstable personal lifestyles, and
18 associations that raise serious concerns for child safety.
19

20 14. The San Bernardino Sheriff’s deputy, officer Shannon, present at the seizure concealed
21 his identity, failed to provide a badge number or report, and coordinated with Riverside
22 CPS in a manner that evaded all legal safeguards. This color-of-law misconduct violated
23 Plaintiff’s Fourth and Fourteenth Amendment rights.
24

25 15. Plaintiff’s constitutional rights to family integrity, procedural due process, and protection
26 from unlawful seizure were violated in a single coordinated act. Her child was removed
27 without court review, without evidence of danger, and without any legal justification.
28

- 1 16. Less than 24 hours later, on May 8, 2023, Christopher Normand filed a fraudulent
- 2 guardianship petition in San Bernardino Probate Court (Case No. GARVA2300124).
- 3 17. The guardianship petition filed by Christopher Normand, the maternal uncle of the minor,
- 4 is facially fraudulent, procedurally defective, and jurisdictionally void. It was not the
- 5 product of an independent legal action but rather the culmination of a coordinated scheme
- 6 between Normand, Riverside CPS, San Bernardino CPS, law enforcement, and complicit
- 7 court personnel, designed to deprive the Objector, mother of the child of her parental
- 8 rights without due process.
- 9 18. The petition falsely claimed no parent was available, despite records and facts showing
- 10 Objector's ongoing legal and physical parental status. This misrepresentation was not
- 11 only material but knowingly false.
- 12 19. The petition was processed without scrutiny, without valid service, and without notifying
- 13 Plaintiff—who retained full legal custody at the time. It was granted based on
- 14 misrepresentations and omitted facts.
- 15 20. No sworn declarations of necessity were submitted, again violating Probate Code
- 16 §1510(a) which requires the petitioner to demonstrate by declaration that guardianship is
- 17 in the child's best interest and why parental custody is not viable.
- 18 21. No notice of hearings was served on Objector for the initial and critical stages of the
- 19 guardianship petition, including: (See Exhibit C: Docket Records and Lack of Proof of
- 20 Service)
- 21 22. May 12, 2023 – Hearing scheduled just four days after the petition was filed, where
- 22 emergency decisions may have been considered.
- 23
- 24
- 25
- 26
- 27
- 28

1 23. May 23, 2023 – Continued hearing where initial guardianship determinations were likely
2 made.

3 24. June 20, 2023 – Key hearing to evaluate the petition’s status and determine further
4 custody orders.

5 25. Neither parent was served with a Notice of Hearing or a copy of the petition, as required
6 by Probate Code §1511 and Code of Civil Procedure §415.10.

7 26. No valid waiver of notice exists in the record.

8 27. These hearings directly impacted parental rights — the failure to provide notice deprived
9 Objecter of any opportunity to appear, object, or assert her custodial rights.

10 28. The docket contains no proof of service for these dates, and court minutes confirm that
11 Objecter was not present, establishing a clear record of due process denial.

12
13
14 **C. Due Process Violations and Jurisdictional Failure**
15

16 29. This repeated failure to serve notice violates constitutional due process protections under
17 the Fourteenth Amendment and California Constitution Article I, Section 7, rendering all
18 resulting orders void for lack of jurisdiction under *Peralta v. Heights Medical Center,*
19 *Inc.*, 485 U.S. 80 (1988) and *In re B.G.*, 11 Cal.3d 679 (1974).

20 30. Material falsehoods were sworn under penalty of perjury, including knowingly false
21 statements about Objecter’s status, CPS involvement, and the necessity for guardianship
22 — a clear violation of California Penal Code §118 (Perjury).

23 31. No notice of hearings was served on Objecter prior to the October 28, 2024, Transfer In
24 hearing, violating basic due process under Probate Code §1511 and California
25 Constitution, Article I, Section 7.

1 32. The docket contains no proof of service, and Objector's absence from the hearing is a
2 matter of record.

3 33. These omissions were deliberate, intended to fabricate jurisdiction and effectuate
4 custody transfer without judicial oversight.
5

6 34. Riverside Superior Court failed to provide legally required Notice of Hearing to
7 Objectors (Courtney Ryles Caal and Carlos Caal) for the October 28, 2024 hearing
8

9 34.1. On October 28, 2024, Transfer In Hearing - Letters of Temporary Guardianship were
10 issued without the court establishing lawful jurisdiction, without findings of unfitness,
11 and without adjudication under WIC § 300.

12 — in direct violation of Probate Code § 1511(a) and constitutional due process under
13 Mullane v. Central Hanover Bank, 339 U.S. 306 (1950).
14

15 35. Riverside Superior Court unlawful accepted of a facially defective and procedurally
16 incomplete guardianship petition without curing jurisdictional defects or ordering
17 compliance with statutory prerequisites since October 28, 2024.

18 — in violation of Family Code § 3421 and Probate Code § 1513.
19

20 36. Judicial assumption of wardship over the child without notice, hearing, dependency
21 petition, or lawful finding of parental unfitness – without any lawful authority.
22

23 — violating Santosky v. Kramer, 455 U.S. 745 (1982).

24 36.1 Failure to provide legally required Notice of Hearing to Objectors (Courtney Ryles Caal
25 and Carlos Caal) for the October 28, 2024 hearing

26 — in direct violation of Probate Code § 1511(a) and constitutional due process under
27 Mullane v. Central Hanover Bank, 339 U.S. 306 (1950).
28

- 1 37. Improper assignment of a 1513(b) CPS investigator (Danielle Kitchens) based on
2 allegations and in the absence of any open dependency case, triggering a guardianship
3 procedure that mimics dependency without legal authority
4 — violating WIC §§ 1513 and 300 et seq.
5
- 6 38. In January and February 2025, Investigator Danielle Kitchen submitted two biased
7 reports that omitted Plaintiff's evidence and falsely accused her of abandonment.
8
- 9 39. In December 2024, during an interview with Kitchen, Plaintiff communicated
10 evidentiary dialogue—including proof of seizure, police report information, and CPS
11 misconduct—to Court Investigator Danielle Kitchen.
- 12 40. Kitchen's subsequent reports (January 2 and February 14, 2025) completely omitted this
13 evidence and falsely portrayed Plaintiff as having abandoned her child.
- 14 41. Danielle Kitchen, acting as a 1513(b) court-appointed Riverside CPS Investigator,
15 knowingly suppressed exculpatory and jurisdictionally relevant evidence, creating a
16 biased and incomplete record.
17
- 18 42. Danielle Kitchen, acting under Probate Code § 1513(b), had a non-discretionary legal
19 obligation to disqualify or at minimum flag the home as ineligible due to the known
20 felony conviction of Christine Ryles for willful cruelty to a child, in violation of Penal
21 Code § 273a. Welfare & Institutions Code § 361.4(d)(2) expressly prohibits placement in
22 any home where an adult resident has a felony conviction for child abuse or neglect,
23 unless a waiver is affirmatively granted by the department. **No waiver was requested or**
24 **granted.**
25
26
27
28

D. ADA Exclusion, Suppression, and Retaliation

42.1. The child has remained in a private home with criminal occupants and no agency oversight, for over 700 days and no mention of a safety plan-while Plaintiff has been excluded from all meaningful participation. Unlawfully stripped of all parental rights.

42.2. No judge has reviewed the May 7, 2023 Riverside County seizure. No proper background checks were conducted under Probate Code § 1513. This petition for guardianship was a judicial rubber-stamp of an unconstitutional process from day one.

42.3. Plaintiff continues to be silenced in court. Hearings are vacated, filings are ignored, and her parental rights are treated as a nuisance by Defendants 1-15 and

42.4. Over 700 days have passed since the May 7, 2025 illegal seizure. Her son has never been returned, and her rights have never been adjudicated.

43. Plaintiff's objections, court filings, and motions were consistently ignored. Hearings were vacated without explanation. Her constitutional claims and ADA grievances were never addressed on the merits.

44. Meanwhile, the guardian—who once had a restraining order placed against him by his own mother—and where every adult member of the household are felons with multiple disqualifying felonies has continued to raise David without supervision or accountability.

44.1. The emotional and psychological harm caused to Plaintiff is immeasurable. She has experienced trauma, systemic abuse, racial and ableist discrimination, and retaliation for asserting her rights. As a disabled Black mother representing herself, she has been deliberately excluded and targeted.

1 45. Today—more than 700 days later—David remains unlawfully separated from his
2 mother. He was removed without cause, order, or due process. No finding of unfitness
3 has ever been made.

4 46. The guardian remains improperly vetted and unaccountable.

5 47. Plaintiff has suffered profound emotional trauma, reputational harm, and institutional
6 gaslighting. As a disabled, pro se Black mother, she has been met with systemic
7 discrimination, obstruction, and retaliation—despite doing everything the law requires to
8 protect her rights.

9 48. This case is not a custody dispute—it is a constitutional crisis, the result of state and
10 private actors conspiring to circumvent due process, fabricate jurisdiction, and sever a
11 lawful parental bond.

12 49. This case involves not just errors—but fraud, conspiracy, and unlawful collusion
13 between public officials, private actors, and judicial officers.

14
15
16
17 **E. Ongoing Harm and Constitutional Crisis**

18 50. The guardianship is void ab initio.

19 51. Jurisdiction has never been lawfully established in Riverside Superior Court

20 52. Jurisdiction has never been lawfully established in San Bernardino Superior Court.

21 53. The seizure of the child on May 7, 2023 was illegal. The failure to return David or
22 adjudicate Plaintiff's rights is an ongoing constitutional violation.

23
24
25 Plaintiff files this action to vindicate her rights, reclaim her child, and expose the unlawful
26 conspiracy that continues to harm her family. The seizure was unlawful. The guardianship is
27 void. The trauma is ongoing.

//

VIII. ARGUMENT

This matter presents one of the most egregious violations of constitutional, parental, and disability rights to come before this Court. Plaintiff Courtney Ryles Caal has endured over 700 days of unlawful separation from her biological son as a result of Riverside CPS and La Tonya Lewis's warrantless and baseless child seizure, orchestrated without any adjudication of unfitness, dependency filing, or legal authority—violating federal and state law.

The removal and continued by custody denial occurred:

- Without a warrant, exigent circumstances, or dependency filing (Fourth Amendment violation).
- Without notice, hearing, or opportunity to be heard (Fourteenth Amendment violation).
- In deliberate denial of ADA accommodations despite Plaintiff's visual and cognitive impairments (Title II, ADA; Section 504, Rehabilitation Act).
- Through the suppression of evidence, judicial misconduct, and fabricated reports, knowingly submitted under penalty of perjury.

A. Federal Law Violations

- Fourth Amendment – Unlawful seizure.
- Fourteenth Amendment – Procedural & substantive due process.
- 42 U.S.C. § 1983 – Redress for deprivation of rights under color of law.

- 1 • 42 U.S.C. § 12132 – ADA Title II.
- 2
- 3 • 29 U.S.C. § 794 – Section 504 of the Rehabilitation Act.
- 4
- 5 • FRCP 65 – Temporary restraining order and injunction standards.
- 6
- 7 • 18 U.S.C. §§ 1341, 1343, 1503, 1513, 1951 – If extended to RICO theory later: fraud,
8 obstruction, retaliation, extortion.

9 B. California State Law Violations

- 10 • Fam. Code §§ 3400–3465 (UCCJEA) – No jurisdictional findings.
- 11
- 12 • Prob. Code §§ 1510–1513, 2200–2201 – Misuse of guardianship statutes.
- 13
- 14 • Welf. & Inst. Code §§ 309, 328, 361 – Bypassed dependency process.
- 15
- 16 • Civil Code § 52.1 (Bane Act) – Interference with civil rights via threats and coercion.
- 17
- 18 • Govt. Code § 11135 – State-level ADA violation.
- 19
- 20 • Penal Code §§ 132–134 – Suppression or fabrication of material evidence.

21 C. Bane Act (Cal. Civil Code § 52.1) Violations

22 Plaintiff's constitutional and statutory rights were violated by the defendants 1-17 and DOES 1–
23 50 through coercion and retaliation, meeting the Bane Act's standard:

- 24 • Child was seized without lawful authority and based on false reports by Christopher
25 Normand (Guardianship Petitioner), household member Whitney Mims and complicit
26 state agents.
27

- 1 • Plaintiff was told by San Bernardino CPS, Dayna Galarza to "leave her husband" under
2 threat of losing custody, a textbook act of state-based coercion.
- 3
- 4 • San Bernardino County CPS social worker Dayna Galarza made an explicit threat to
5 Plaintiff and two family members (Plaintiff's aunt and cousin).
- 6
- 7 • Ms. Galarza stated that if Plaintiff attempted to lawfully retrieve her son from the
8 physical custody of Christopher Normand, CPS would "open a dependency case" against
9 her.
- 10
- 11 • This threat was issued absent any court order, adjudication of parental unfitness, or
12 lawful custody transfer.
- 13
- 14 • It was a coercive tactic designed to chill Plaintiff's exercise of constitutionally protected
15 parental rights, violate her liberty interest in familial association, and deter lawful
16 custodial recovery—all under color of authority and without due process. Such conduct
17 constitutes retaliation, abuse of authority, and coercion in violation of 42 U.S.C. § 1983,
18 the Fourteenth Amendment, and California's Bane Act, Civil Code § 52.1. Plaintiff's
19 filings and ADA accommodation requests were repeatedly suppressed, showing intent to
20 chill protected rights.
- 21
- 22 • These violations occurred under color of law and were not merely procedural but
23 coercive, retaliatory, and discriminatory.
- 24

25 This is not a routine custody dispute. This is a state-enabled deprivation of a child, facilitated by
26 fabricated reports, abuse of process, judicial misconduct, and systemic discrimination against a
27 disabled, pro se mother who has been denied access to any meaningful forum for redress. The
28

1 facts are not in dispute: no dependency petition was ever filed, no fitness hearing was ever held,
2 and no court order ever authorized the removal of Plaintiff's child.

3
4 Each named defendant is implicated through direct misconduct, coordination, or state-enabled
5 action, establishing joint participation and concerted conduct sufficient to support claims under
6 42 U.S.C. § 1983 and related civil rights statutes.

7
8 **A. Plaintiff Was Denied Procedural and Substantive Due Process**

9 Under Santosky v. Kramer, 455 U.S. 745 (1982), and Troxel v. Granville, 530 U.S. 57 (2000),
10 parents have a fundamental right to the care, custody, and control of their children. This right is
11 constitutionally protected and may not be infringed absent due process of law.
12

13 Yet Plaintiff was never served with notice, never brought before a dependency court, and never
14 given a hearing on her parental fitness. Instead, her child was effectively removed under color of
15 law through a fraudulent guardianship petition, without the procedural safeguards required by
16 Welfare & Institutions Code §§ 300–361, Probate Code § 1510, or Family Code § 3421.
17

18 CPS personnel—Danya Galarza, Fatina Sanders, and Kyndal London—knowingly concealed
19 exculpatory evidence, including:
20

- 21 • The unfounded nature of the initiating police call;
 - 22 • Lack of emergency;
 - 23 • Plaintiff's lawful custodial status;
 - 24 • Plaintiff's repeated efforts to retrieve her child.
- 25
26

27 No court has ever found Plaintiff unfit. The state's burden to prove unfitness by clear and
28 convincing evidence was never met—because it was never even attempted.

B. The Unlawful Seizure Violated the Fourth Amendment and Was Executed Without Legal Authority

As held in *Wallis v. Spencer*, 202 F.3d 1126 (9th Cir. 2000), the government cannot seize a child from a parent without a court order, a warrant, or exigent circumstances. The May 7, 2023 removal violated all three prongs.

Plaintiff was directed to Whitney Mims' residence after she called San Bernardino Police to retrieve her son. Upon arrival, Christopher Normand assaulted Plaintiff's husband, a fact documented in the police report. Despite this violent assault, Normand was never arrested or charged—demonstrating selective enforcement and protection of the conspirators.

A false police call alleging a firearm was used to escalate the incident, though no weapon was ever found. Yet this pretext allowed Riverside CPS Investigator Latonya Lewis, Officer Tuggle, and a concealed San Bernardino Sheriff's deputy (posing as "AOD Officer") to unlawfully seize David without court order or warrant.

Tuggle's own report confirms:

- No firearm or danger existed;
- The child was safe;
- Plaintiff was never accused of abuse or neglect;
- The seizure was executed without legal basis.

The Fourth Amendment was blatantly violated.

C. Plaintiff Was Denied ADA Accommodations and Access to the Courts

1 Plaintiff is a qualified individual with disabilities under Title II of the Americans with
2 Disabilities Act, yet:

- 3 • No accommodations were provided;
- 4 • No interactive process was initiated;
- 5 • Court forms, hearings, and filings were inaccessible;
- 6 • Her participation was repeatedly blocked or ignored.
- 7
- 8

9 This violates Tennessee v. Lane, 541 U.S. 509 (2004), and 42 U.S.C. § 12132. It also denies
10 meaningful access to justice under the Due Process Clause and Section 504 of the Rehabilitation
11 Act (29 U.S.C. § 794).
12

13 **D. The Guardianship Proceedings Are Jurisdictionally Void**

14 The guardianship case (PRRI2302864) is void ab initio due to:

- 15 • No UCCJEA compliance;
- 16 • No notice or service to Plaintiff;
- 17 • No finding of unfitness;
- 18 • Fraudulent representations that David had “no known parents.”
- 19
- 20

21 See In re B.G., 11 Cal. 3d 679 (1974); Peralta v. Heights Medical Center, Inc., 485 U.S. 80
22 (1988).
23

24 This was a private, fraudulent attempt to terminate parental rights without initiating lawful
25 dependency proceedings.
26
27
28

E. All Adults in the Guardian Household Are Felons With Dangerous Histories

Despite painting Plaintiff and her husband as unfit, the household where David is now placed is far more dangerous:

- Every adult is a convicted felon;
 - Whitney Mims has an active criminal case and appeared in court as recently as August 2024;
 - The household engages in polyamorous relationships and daily alcohol consumption;
 - At least one member has documented gang affiliations;
 - Christopher Normand’s own mother obtained a restraining order against him.
- In contrast:
 - Plaintiff has no criminal history;
 - Her husband has only a years-old DUI, used solely to discredit them;
 - The State and private parties have weaponized bias, race, and disability to portray Plaintiff as “unfit,” while ignoring objective danger to the child in his current placement.

In addition to the criminality and dysfunction already outlined, Christopher Normand—the current petitioner and court-appointed guardian—has a personal history of abuse and family estrangement that renders him wholly unfit to serve as caretaker of any child, let alone Plaintiff’s minor son.

1 For several years, Normand was denied contact with his own biological daughter due to repeated
2 instances of emotional, verbal, and physical abuse of the mother of his child. When they lived
3 together off Nisqualli Road in Victorville, California, reports were made regarding ongoing
4 mistreatment, including screaming matches, demeaning insults, and physical aggression. As a
5 result of these repeated harms, his daughter's mother ceased all contact and took steps to protect
6 the child from further abuse, leading to a long-standing period of estrangement and protective
7 distance.
8

9
10 This history was never disclosed in the guardianship proceedings and was never investigated by
11 CPS or the courts, despite their statutory duty under Probate Code § 1513 to conduct background
12 checks and home evaluations. This omission constitutes both gross negligence and deliberate
13 indifference to the child's welfare.
14

15 Plaintiff, by contrast, has no such history. There are no substantiated allegations, no dependency
16 actions, and no legal findings against her. Yet she has been forcibly separated from her child
17 while Normand—an individual previously barred from contact with his own daughter due to
18 abuse—is elevated to the role of “guardian” by a system that has refused to scrutinize his record.
19

20 **F. State and Private Actors Conspired to Deprive Plaintiff of Her Rights**

21
22 This case is not a misunderstanding—it is a coordinated conspiracy involving:

- 23 • Public actors (CPS, court staff, investigators);
- 24 • Judicial officers acting without jurisdiction;
- 25 • Private actors, namely Normand and Mims, who used threats, lies, and
26 concealment.
27
28

1 See Dennis v. Sparks, 449 U.S. 24 (1980); Tower v. Glover, 467 U.S. 914 (1984). These facts
2 also support claims under 42 U.S.C. §§ 1983, 1985(3), and 18 U.S.C. § 1962 (RICO).

3
4 **G. The Harm Is Ongoing and Irreparable**

5 For over 700 days and ongoing, Plaintiff has:

- 6
- 7 • Been denied custody without process;
 - 8 • Missed milestones, birthdays, school events, and daily contact;
 - 9 • Endured trauma, defamation, and procedural exclusion;
 - 10 • Been discriminated against based on disability, race, and pro se status;
 - 11 • Watched her child be raised in a household riddled with violence,
 - 12 substance use, and criminality.
- 13

14 This harm cannot be undone by monetary compensation alone. It demands immediate injunctive
15 relief, vacatur of the guardianship orders, and federal intervention to halt continued constitutional
16 violations.
17

18 **XI. DANGEROUS AND DISQUALIFYING PLACEMENT HOUSEHOLD**

19
20 **(Reckless Placement of Plaintiff's Minor Son in a Felon-Dominated, Polyamorous, Alcohol-**
21 **Heavy Adult Environment in Violation of California Law and Federal Constitutional**
22 **Rights)**

23
24 Plaintiff's minor son—the only child in the household—has been placed in a dangerously unfit
25 and disqualifying environment, where at least five adults reside, four of whom are known to have
26 criminal backgrounds, histories of violence or neglect, or otherwise disqualifying characteristics
27 under California child welfare statutes. The remaining individual, a third person involved in a
28

1 known polyamorous relationship with Whitney Mims and her boyfriend, has not even been
2 identified by name in court filings or background documentation, further evidencing the total
3 lack of investigation or oversight.
4

5 **A. Plaintiff's Son is the Only Child Living Among Five or More Disqualified Adults**

- 6
- 7 • Plaintiff's son, a vulnerable minor, is the sole child resident in a
 - 8 residence occupied by at least five adults.
 - 9 • These adults include:
 - 10 • Christopher Normand (court-appointed guardian),
 - 11 • Whitney Mims,
 - 12 • Whitney's boyfriend (cohabitant and polyamorous partner),
 - 13 • Plaintiff's own mother, and
 - 14 • An unidentified third polyamorous partner in the Mims household.
- 15

16 This environment lacks any other children and presents a highly adult-centered atmosphere with
17 documented criminality, alcohol abuse, and complex interpersonal entanglements, none of which
18 are conducive to healthy child development or safety.
19

20 **B. Every Known Adult Is Disqualified Under California Law**

21
22 CHRISTOPHER NORMAND (Petitioner – Maternal Uncle)

23
24 Live Scan Results – DOJ Records:

- 25
- 26 • 09/28/2007 – San Bernardino
 - 27 ○ PC 415(1) – Fighting/Challenging in Public (Misdemeanor)
- 28

1 ○ PC 242 – Battery (Misdemeanor)

2 ○ PC 602 – Trespassing (Misdemeanor)

3
4 • 02/11/2014

5 ○ PC 487(a) – Grand Theft (Felony)

6 ○ PC 496(a) – Receiving Known Stolen Property (Felony)

7
8
9 • 06/25/2014 – Victorville

10 ○ PC 487(a) – Grand Theft (Felony)

11
12 • 05/07/2023

13 ○ PC 242 – Battery (Misdemeanor)

14 → *Prosecutor Rejected: Lack of Evidence (Note: You reported this was actually*
15 *an assault on your husband)*

16
17
18 Summary: 3 separate felony-level theft charges, prior misdemeanors for violence and
19 trespassing, and a May 7, 2023 battery charge in which he was the aggressor, not the victim.

20
21 WHITNEY MIMS (Household Member – Maternal Aunt)

22 Live Scan & Court Records:

23
24 • 03/29/2023 – Riverside

25 ○ PC 243(d) – Felony Battery Causing Serious Injury (Active Case)

26
27 • 09/07/2007 – Barstow

1 ○ PC 496(a) – Receiving Stolen Property (Felony) → Guilty/Convicted

2 ○ PC 466 – Possession of Burglary Tools (Misdemeanor) → Dismissed

3
4 Summary: Active felony violence case, prior theft felony conviction.

5
6 ALEX CARTER (Household Member – Mims’ Partner)

7 Live Scan – DOJ Records:

8
9 • 05/08/2011 – Long Beach

10 ○ PC 212.5(c) – Robbery 2nd Degree (Felony) → Dismissed

11
12 • 05/29/2015 – Riverside

13 ○ PC 459 – Burglary (Felony) Convicted

14
15 • 12/23/2016 – San Diego

16 ○ PC 459 – Burglary (Felony) → Dismissed

17 ○ PC 182(a)(1) – Conspiracy (Felony) Convicted

18
19 • 01/05/2017 – San Diego

20 ○ PC 459 – Burglary (Felony) Convicted

21
22 Summary: Multiple felony convictions, including burglary and criminal conspiracy.

23
24 CHRISTINE RYLES (Household Member – Maternal Grandmother)

25
26 Live Scan & CLETS:

- 1 • 05/02/1988 – Los Angeles
- 2 ○ PC 273(a)(1) – Child Cruelty w/Injury or Death
- 3
- 4 • 09/27/2001 – San Diego
- 5 ○ PC 245(a)(1) – Assault w/Deadly Weapon (Felony) Convicted
- 6
- 7 • 02/11/2024 – San Bernardino
- 8 ○ PC 496(a) – Receiving Stolen Property (Felony)
- 9
- 10 • 01/24/2014 – San Diego
- 11 ○ PC 487(a) – Grand Theft (Felony) Convicted
- 12
- 13 ○ PC 592(b)(2) – Vandalism (Dismissed)
- 14

15 Summary: Convictions for child cruelty, assault with deadly weapon, theft, and more than 20
16 years of serious criminal behavior—still residing in the home.

17
18 Each of these facts, standing alone, would trigger a mandatory disqualification under WIC §
19 361.4, Probate Code § 1513(b), and applicable federal foster care funding guidelines.

20 Collectively, they reveal gross negligence, deliberate indifference, and systemic fraud in the
21 assignment and continuation of guardianship.

22
23 **C. Blatant Misuse of Bias and Disability to Justify Taking the Child from a Fit Mother**

- 24 • Plaintiff has no criminal record.
- 25
- 26 • Her husband has a single, years-old DUI, which has been weaponized to create a false
- 27 narrative of unfitness.
- 28

- There are no dependency petitions, no substantiated allegations, and no court findings that Plaintiff or her husband ever endangered their child.

Yet her parental rights have been stripped away, and custody was granted to a man with a documented history of abuse, residing with multiple felons—a household that wouldn't pass even the most basic foster care inspection.

This is not just a violation of due process and equal protection, but a direct contradiction of California's own statutory rules for guardianship, and a textbook example of institutionalized bias and disability discrimination.

D. Legal and Constitutional Violations Implicated

This reckless and disqualifying placement supports and evidences the following causes of action:

- Violation of Plaintiff's Substantive and Procedural Due Process Rights (U.S. Const. amend. XIV)
- Negligent Entrustment of Custody and Failure to Investigate Household Safety (WIC §§ 361.4, 309; Prob. Code § 1513)
- Color of Law Misconduct and Deliberate Indifference (42 U.S.C. § 1983)
- Fraud on the Court and Judicial Misconduct
- Disability Discrimination under ADA Title II and Section 504 of the Rehabilitation Act
- Violation of Equal Protection Clause (disability, race, and poverty-based discrimination)
- Tortious Interference with Parental Rights

MASTER INDEX OF CLAIMS FOR RELIEF AND LEGAL VIOLATIONS

Overview

Master Index of Causes of Action

This section outlines 101 verified causes of action brought by Plaintiff Courtney Ryles Caal against the named defendants. These claims stem from the unlawful seizure of her minor child, fraudulent guardianship proceedings, and widespread violations of federal and state law by both public officials and private actors.

Each category captures a distinct harm—civil rights violations, disability discrimination, denial of parental rights, due process breaches, intentional torts, judicial misconduct, racketeering, procedural fraud, and emerging torts involving psychological abuse and systemic retaliation.

Organized thematically, this index serves as a clear legal roadmap, illustrating the overlapping constitutional, statutory, and common law violations that demand full adjudication and equitable redress.

SECTION X: EVIDENCE OF SYSTEMIC AND JURISDICTIONAL VIOLATIONS

(Including Violations of Probate Code § 1513(b), UCCJEA, ADA, Due Process, and the Unlawful Use of Guardianship Proceedings)

Plaintiff hereby incorporates by reference the following material documents as foundational to this cause of action and supportive of numerous statutory and constitutional violations:

- May 8, 2023 Guardianship Petition
- May 8, 2023 UCCJEA Declaration

- “NO DOCKET” Court Status Report
- Probate Code § 1513(b) Reports dated January 2, 2025 and February 14, 2025
- March 3, 2025 Probate Order

Together, these records constitute prima facie evidence of systemic misconduct, unlawful jurisdictional manipulation, concealment of material facts, abuse of process, and denial of Plaintiff’s constitutional and statutory rights.

A. Jurisdictional Defects Under UCCJEA

Under California Family Code § 3421 and the UCCJEA, a court may not assert custody jurisdiction unless the child has resided in that state for six consecutive months prior to proceedings. The May 8, 2023 petition confirms the child’s home state was San Bernardino County, not Riverside.

“A California court has no authority to make an initial child custody determination unless California is the child’s home state.” — *In re C.T.*, 122 Cal.App.4th 1159, 1165 (2004)

“Jurisdiction under UCCJEA is neither waivable nor discretionary.” — *Marriage of Nurie*, 176 Cal.App.4th 478, 495 (2009)

No order exists transferring jurisdiction from San Bernardino to Riverside.

Riverside County lacked jurisdiction and proceeded without any lawful transfer or emergency finding under Family Code § 3424. All resulting guardianship actions are therefore void ab initio.

B. Docket Irregularities and Concealment

The case record for *PRR12302864* reveals multiple hearings marked “No Docket,” including critical motions and ex parte proceedings. No public record exists showing adjudication, rulings, or signed orders establishing lawful guardianship.

“Due process requires notice reasonably calculated to inform interested parties and an opportunity to be heard.” — *Mullane v. Central Hanover Bank*, 339 U.S. 306, 314 (1950)

“Omission from the docket of a critical proceeding affecting family integrity constitutes a procedural violation of constitutional magnitude.” — *Duchesne v. Sugarman*, 566 F.2d 817 (2d Cir. 1977)

This pattern of secrecy deprived Plaintiff of access, notice, and the ability to appeal—violating fundamental due process under the Fourteenth Amendment.

C. Violations of Probate Code § 1513(b) and Child Welfare Statutes

The two 1513(b) reports (dated 1/2/2025 and 2/14/2025) fail to satisfy their statutory mandates in multiple respects:

1. Incomplete Criminal History Assessment:

The reports rely on incomplete live scan results and ignore confirmed felony convictions of household members, including violent and theft-related offenses. This omission violates Prob. Code § 1513(b)(2), which mandates full assessment of all adults in the home.

2. No CPS Cross-Jurisdiction Coordination:

Despite serious abuse allegations investigated in San Bernardino, Riverside County never consulted, referenced, or verified findings from the originating jurisdiction, violating WIC § 329(a), which requires inter-county cooperation for accurate risk assessment.

3. No Findings on Parental Capacity or Reunification Barriers:

The reports make conclusory statements that the parents are “not providing or caring” without any formal evaluation of reunification potential, protective capacity, or offered services—contrary to the intent of WIC §§ 300, 301, and 361.5.

4. Procedural Bias & One-Sided Interviews:

The reports uncritically adopt the petitioner’s narrative while minimizing or omitting exculpatory evidence, conflicting accounts, and the fact that the sexual abuse claim was unsubstantiated in San Bernardino. No analysis of coaching, retaliation, or manipulative dynamics was conducted, despite red flags in the record.

5. Recommendation Issued Without Legal Standing:

The initial 1/2/2025 report explicitly admits that live scan results were pending, meaning the Department lacked sufficient information to make a lawful recommendation at that time.

D. Fraudulent Abuse of Guardianship to Evade Dependency Jurisdiction

Rather than initiating juvenile dependency proceedings as required under WIC §§ 300–366.26 for cases involving allegations of unfitness or emergency removal, Defendants proceeded through probate court to obtain de facto custody without due process or evidentiary hearing.

1 “Guardianship cannot be used to circumvent dependency court jurisdiction.” — *In re A.G.*, 243
2 *Cal.App.4th* 675, 686 (2016).

3
4 “The state must provide reunification services unless the parent’s rights have been terminated
5 under proper procedures.” — *Santosky v. Kramer*, 455 U.S. 745, 753 (1982).

6
7 There was no formal removal order, no petition filed in dependency court, no TPR (Termination
8 of Parental Rights), and no reunification case plan. This subverts the fundamental rights of a
9 parent and violates both procedural and substantive due process under the Fourteenth
10 Amendment.

11
12 **E. ADA and Section 504 Violations – Disability-Based Discrimination**

13
14 None of the filings, orders, or 1513(b) reports mention the Plaintiff’s disability, despite
15 documented evidence of her protected status under the Americans with Disabilities Act (ADA)
16 and Section 504 of the Rehabilitation Act.

- 17
18
19
20
- No interactive process initiated
 - No communication accommodations provided
 - No acknowledgment of her disability in custody determinations

21
22 This constitutes discriminatory exclusion from public programs and judicial participation, in
23 violation of:

- 24
25
26
- 42 U.S.C. § 12132 (ADA Title II)
 - 29 U.S.C. § 794 (Rehabilitation Act § 504)

1 “Title II of the ADA applies to all activities of state and local governments.” — *Tennessee v.*
2 *Lane*, 541 U.S. 509 (2004).

3
4 “Courts must reasonably accommodate disabled parents in proceedings affecting custody and
5 family integrity.” — *K.M. v. Tustin Unified School District*, 725 F.3d 1088 (9th Cir. 2013).

6 DOJ Technical Assistance (2015): “Courts have an affirmative obligation to ensure accessibility
7 and fair participation by disabled parents.”

8
9 The court’s silence on Plaintiff’s status and refusal to offer accommodations reflects systemic
10 ableism and exclusion.
11

12
13
14 **F. Pattern of Collusion, Suppression, and Misconduct**

- 15
- 16 • Defendants (county agencies, private parties, and court actors) collectively engaged in:
 - 17 • Suppression of exculpatory and jurisdictional evidence
 - 18 • Failure to notify Plaintiff of guardianship proceedings
 - 19 • No warrant, court order, or exigent circumstances for the May 7, 2023 seizure
 - 20 • No judicial finding of parental unfitness
 - 21 • No transparency or recourse in court records
- 22

23 “Absent exigent circumstances or parental unfitness, removal of a child without court order
24 violates the Fourth and Fourteenth Amendments.” — *Wallis v. Spencer*, 202 F.3d 1126 (9th Cir.
25 2000).
26
27
28

1 “Due process includes the right to contest removal and be heard on the issue of custody.” —
2 *Doe v. Heck*, 327 F.3d 492 (7th Cir. 2003).

3 4 **Institutional Abuse of Process and Constitutional Violations**

- 5 • The collective record reveals a multi-tiered violation of Plaintiff’s rights, including:
- 6 • Jurisdictional fraud and forum shopping
- 7 • Violation of custody protections under UCCJEA
- 8 • Procedural concealment and denial of access to court
- 9 • ADA and § 504 noncompliance
- 10 • Unlawful child seizure without due process
- 11 • Misuse of probate court to suppress dependency oversight
- 12 • Systemic collusion between public agencies and private actors

13
14
15 These events give rise to over 30 federal and state claims, including claims under 42 U.S.C. §
16 1983, Title II of the ADA, Section 504, RICO, and numerous tort theories. The guardianship is
17 void, the ongoing concealment is unconstitutional, and the trauma inflicted on both Plaintiff and
18 her minor child is irremediable absent federal intervention.

19
20 Plaintiff respectfully submits this section as core factual and legal foundation supporting her
21 claims for injunctive relief, declaratory judgment, and damages.

22 23 **FIRST CAUSE OF ACTION**

24 25 **Unlawful Seizure of a Child in Violation of the Fourth and Fourteenth Amendments**

26 **Legal Basis:** 42 U.S.C. § 1983; *Wallis v. Spencer*, 202 F.3d 1126 (9th Cir. 2000); *Santosky v.*
27 *Kramer*, 455 U.S. 745 (1982)

1 Plaintiff was deprived of custody of her minor child without notice, hearing, or adjudication of
2 parental unfitness. Defendants failed to provide constitutionally required procedural safeguards
3 before removing the child, violating clearly established due process rights under *Mathews v.*
4 *Eldridge*, 424 U.S. 319 (1976), and *Santosky v. Kramer*, 455 U.S. 745 (1982).
5

6 **Alleged Against:**

7
8 Riverside CPS, San Bernardino CPS, Investigator Latonya Lewis, Kyndal London, Danielle
9 Kitchen, Judges Cohen and Garcia, Danya Galarza, Fatina Sanders, Sheri Cruz, and Christopher
10 Normand.
11

12 **SECOND CAUSE OF ACTION**

13 **Violation of Substantive Due Process – Fourteenth Amendment (Familial Integrity)**

14
15 **(42 U.S.C. § 1983)**

16
17 Defendants interfered with Plaintiff's right to the care, custody, and control of her child—a
18 fundamental liberty interest—without compelling justification. Their actions shock the
19 conscience and violate *Troxel v. Granville*, 530 U.S. 57 (2000), and *Wallis v. Spencer*, 202 F.3d
20 1126 (9th Cir. 2000).
21

22 **Alleged Against:**

23
24 All named Defendants, including CPS workers, judicial officers, investigators, and private
25 parties.
26

27 **THIRD CAUSE OF ACTION**

28 **Violation of Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12132**

1 **and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794**

2
3 Against

4 Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

5
6 Plaintiff, a Black woman with disabilities, was subjected to disparate treatment and exclusion
7 from court processes due to her disability and race. Defendants' conduct constituted intentional
8 discrimination, violating Village of Arlington Heights v. Metropolitan Housing Corp., 429 U.S.
9 252 (1977), and Tennessee v. Lane, 541 U.S. 509 (2004).

10
11 CPS officials, court investigators, clerks, and ADA coordinators failed to engage in the
12 interactive process or provide accommodations necessary to ensure Plaintiff's access to the
13 guardianship and reunification process.

14
15 As a result, Plaintiff was denied an opportunity to participate in legal proceedings that
16 determined the custody of her child. Hearings were held without notice, filings were ignored, and
17 access to redress through grievance channels was systematically blocked.

18
19 **Alleged Against:**

20
21 Riverside Superior Court, San Bernardino CPS, Riverside CPS, Court Investigators, ADA
22 Coordinators, and DOES 1–15//

23 //

24
25 //

26
27 //

FOURTH CAUSE OF ACTION

Retaliation for Exercising Constitutional Rights

(42 U.S.C. § 1983; First and Fourteenth Amendments)

After asserting her parental and disability rights, Plaintiff experienced targeted exclusion, false reporting, and escalated interference in guardianship. Such retaliation is prohibited under *CarePartners, LLC v. Lashway*, 545 F.3d 867 (9th Cir. 2008).

Alleged Against:

CPS officials, investigators, court-appointed attorneys, and judicial officers.

FIFTH CAUSE OF ACTION

Unlawful Seizure of Child – Fourth & Fourteenth Amendments

(42 U.S.C. § 1983)

The May 7, 2023 seizure occurred without a warrant, court order, or exigent circumstances, in violation of *Wallis v. Spencer*, 202 F.3d 1126 (9th Cir. 2000) and *Mabe v. San Bernardino County*, 237 F.3d 1101 (9th Cir. 2001).

Alleged Against:

Riverside CPS, Investigator Latonya Lewis, Officer Tuggle, unidentified San Bernardino Sheriff's deputy, and CPS supervisors.

SIXTH CAUSE OF ACTION

Conspiracy to Violate Civil Rights (42 U.S.C. § 1985(2) & (3))

1 Defendants acted in concert to deprive Plaintiff of her rights through fabricated filings, false
2 reports, and exclusion from guardianship proceedings. Conspiracies under color of law are
3 actionable per Dennis v. Sparks, 449 U.S. 24 (1980).
4

5 **Alleged Against:**

6 Christopher Normand, Whitney Mims, Kyndal London, Danielle Kitchen, CPS agents, court
7 staff, and GAL attorneys.
8

9 **SEVENTH CAUSE OF ACTION**
10

11 **Failure to Prevent Civil Rights Violations (42 U.S.C. § 1986)**

12 Despite having the authority and knowledge to intervene, supervisory defendants failed to stop
13 known constitutional violations, breaching duties outlined in Jones v. City of Chicago, 856 F.2d
14 985 (7th Cir. 1988).
15

16 **Alleged Against:**
17

18 Supervisors in Riverside and San Bernardino CPS, Judges Cohen and Garcia, and court
19 administrators.
20

21 **EIGHTH CAUSE OF ACTION**
22

23 **Denial of Access to Courts – First & Fourteenth Amendments (42 U.S.C. § 1983)**

24 Plaintiff was intentionally excluded from legal proceedings, denied notice, and prevented from
25 participating meaningfully, violating her constitutional right to petition for redress (Bounds v.
26 Smith, 430 U.S. 817 (1977)).
27
28

Alleged Against:

Court personnel, probate clerks, ADA coordinators, CPS investigators, and judicial officers.

NINTH CAUSE OF ACTION

State-Created Danger Doctrine (42 U.S.C. § 1983)

Defendants knowingly placed Plaintiff's child in a dangerous environment, increasing the risk of harm and creating the danger that would not otherwise have existed, violating the doctrine as recognized in *L.W. v. Grubbs*, 92 F.3d 894 (9th Cir. 1996).

Alleged Against:

CPS, Judges Cohen and Garcia, and court-appointed investigators.

TENTH CAUSE OF ACTION

Loss of Familial Association – First Amendment Derivative (42 U.S.C. § 1983)

Interference with the parent-child relationship implicates First Amendment freedoms of association and expression as articulated in *Roberts v. U.S. Jaycees*, 468 U.S. 609 (1984), and *Lee v. City of Los Angeles*, 250 F.3d 668 (9th Cir. 2001).

Alleged Against:

All named Defendants.

ELEVENTH CAUSE OF ACTION

Petition Clause Violation – First Amendment (42 U.S.C. § 1983)

Defendants obstructed Plaintiff's ability to petition courts by ignoring filings, vacating hearings, and failing to adjudicate motions, violating *BE & K Const. Co. v. NLRB*, 536 U.S. 516 (2002).

Alleged Against:

Court staff, judicial officers, and probate administrators.

TWELFTH CAUSE OF ACTION

Deliberate Indifference to Constitutional Rights (42 U.S.C. § 1983)

Defendants acted with reckless disregard to Plaintiff's constitutional rights, despite notice and repeated filings. This meets the *Farmer v. Brennan*, 511 U.S. 825 (1994) deliberate indifference standard.

Alleged Against:

All supervisory Defendants and judicial officers.

THIRTEENTH CAUSE OF ACTION

Denial of Equal Protection Based on Disability (42 U.S.C. § 1983)

Defendants discriminated against Plaintiff due to her visual and cognitive impairments, excluding her from hearings and services. See *Gorman v. Bartch*, 152 F.3d 907 (8th Cir. 1998).

Alleged Against:

Riverside CPS, court staff, ADA coordinators, and court investigators.

//

FOURTEENTH CAUSE OF ACTION

Color of Law Misconduct (42 U.S.C. § 1983)

Defendants, acting under color of law, abused their positions to effectuate unconstitutional removal, concealment, and continued deprivation of custody. *Monroe v. Pape*, 365 U.S. 167 (1961) applies.

Alleged Against:

All public officials named in this Complaint.

FIFTEENTH CAUSE OF ACTION

Fraud on the Court (Civil Rights Theory under § 1983)

Defendants misrepresented key facts—such as Plaintiff’s status as a parent—and excluded material evidence to perpetuate a void guardianship. Fraud undermining judicial integrity violates Plaintiff’s due process rights (*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944)).

Alleged Against:

Christopher Normand, GALs, court investigators, and CPS personnel.

SIXTEENTH CAUSE OF ACTION

Deprivation of Custody Under Color of State Law (42 U.S.C. § 1983)

1 Plaintiff's custody rights were severed by actions taken under the guise of lawful authority, but
2 with no legal foundation. This constitutes a clear violation of the Due Process Clause and
3 Campbell v. Burt, 141 F.3d 927 (9th Cir. 1998).
4

5 **Alleged Against:**

6 Riverside CPS, San Bernardino CPS, and collaborating private actors.
7

8 **SEVENTEENTH CAUSE OF ACTION**

9
10 **Retaliation for ADA Complaints (42 U.S.C. § 1983; ADA Title II)**

11 Plaintiff was retaliated against after asserting her rights under the ADA, which constitutes
12 unlawful interference with protected conduct under Shotz v. City of Plantation, 344 F.3d 1161
13 (11th Cir. 2003).
14

15 **Alleged Against:**

16
17 Court administrators, ADA coordinators, and CPS supervisory personnel.
18

19 **EIGHTEENTH CAUSE OF ACTION**

20 **Suppression of Exculpatory Evidence – Brady-type Violation (42 U.S.C. § 1983)**

21
22 Defendants failed to disclose police reports, custody documentation, and material CPS records
23 that would have exonerated Plaintiff and exposed the unlawful seizure. This suppression of
24 exculpatory evidence violates due process under Brady v. Maryland, 373 U.S. 83 (1963),
25 extended to civil contexts by Tennenbaum v. Williams, 193 F.3d 581 (2d Cir. 1999).
26

27 //

28

Alleged Against:

Latonya Lewis, Danya Galarza, Fatina Sanders, Danielle Kitchen, Kyndal London, and other investigative personnel.

II. DISABILITY RIGHTS – FEDERAL AND STATE

A. Americans with Disabilities Act (ADA), Title II – 42 U.S.C. § 12101 et seq.

NINETEENTH CAUSE OF ACTION

Denial of Reasonable Accommodations (ADA Title II – 42 U.S.C. § 12132)

Defendants failed to provide reasonable accommodations to Plaintiff—who has visual, neurological, and cognitive disabilities—despite notice of her limitations. These failures impaired her ability to access and participate in public services and legal proceedings in violation of *Tennessee v. Lane*, 541 U.S. 509 (2004) and *Duvall v. County of Kitsap*, 260 F.3d 1124 (9th Cir. 2001).

Alleged Against:

Court ADA coordinators, Riverside and San Bernardino CPS, Judges Cohen and Garcia, and court personnel.

TWENTIETH CAUSE OF ACTION

Failure to Provide Effective Communication (ADA Title II – 28 C.F.R. § 35.160)

Defendants did not ensure meaningful access to hearings, notices, or filings in formats accessible to Plaintiff given her disabilities. These acts denied her the ability to understand or respond to

critical developments, violating the ADA's mandate for effective communication and *Chisolm v. McManimon*, 275 F.3d 315 (3d Cir. 2001).

Alleged Against:

Court staff, ADA officers, probate clerks, and CPS caseworkers.

TWENTY-FIRST CAUSE OF ACTION

Exclusion from Public Services (ADA Title II – 42 U.S.C. § 12132)

Plaintiff was excluded from participation in and denied the benefits of public services (e.g., guardianship proceedings, protective services, ADA coordination) solely on the basis of her disabilities. See *Pa. Dep't of Corr. v. Yeskey*, 524 U.S. 206 (1998) (ADA applies to all public entities and programs).

Alleged Against:

Court services and administrators, Riverside and San Bernardino CPS, and public guardianship systems.

TWENTY-SECOND CAUSE OF ACTION

Retaliation under ADA Title II (42 U.S.C. § 12203(a))

After requesting ADA accommodations and raising concerns about access, Plaintiff experienced exclusion, delays, and concealment of guardianship proceedings. Retaliation for protected ADA conduct is actionable under *Shotz v. City of Plantation*, 344 F.3d 1161 (11th Cir. 2003).

Alleged Against:

1 Court ADA officers, probate staff, and CPS administrative personnel.

2
3 **TWENTY-THIRD CAUSE OF ACTION**

4 **Constructive Denial of ADA Services (42 U.S.C. § 12132)**

5
6 By failing to act on known ADA requests or making services so inaccessible that Plaintiff could
7 not effectively participate, Defendants constructively denied her access to services and justice.

8 Constructive denial is a form of discrimination recognized in *Pierce v. County of Orange*, 526
9 F.3d 1190 (9th Cir. 2008).

10
11 **Alleged Against:**

12
13 Court ADA staff, judges, guardianship investigators, and CPS supervisors.

14 **TWENTY-FOURTH CAUSE OF ACTION**

15
16 **Failure to Engage in the Interactive Process (ADA Implementing Regs – 28 C.F.R. §**
17 **35.130(b)(7))**

18
19 Plaintiff's repeated efforts to request clarification and accommodation were ignored or
20 obstructed, and no meaningful interactive process occurred, contrary to the ADA's mandate that
21 public entities must engage with qualified individuals in identifying reasonable accommodations.
22 See *Duvall v. County of Kitsap*, 260 F.3d 1124 (9th Cir. 2001).

23
24 **Alleged Against:**

25
26 ADA coordinators, court staff, CPS officials, and public guardianship entities.

27 //
28

TWENTY-FIFTH CAUSE OF ACTION

Disparate Impact Discrimination (Facially Neutral but Harmful Practices)

(ADA Title II – 42 U.S.C. § 12132; 28 C.F.R. § 35.130(b)(3))

Facially neutral practices—such as rigid probate notice systems and in-person procedural requirements—had a disproportionate, harmful effect on Plaintiff due to her disability. These practices constitute disparate impact discrimination under ADA and its regulations. See *Alexander v. Choate*, 469 U.S. 287 (1985).

Alleged Against:

Judges, court administrators, and public agencies responsible for access policies.

B. Section 504 of the Rehabilitation Act (29 U.S.C. § 794)

TWENTY-SIXTH CAUSE OF ACTION

Disability-Based Discrimination by Federally Funded Programs (Section 504 – 29 U.S.C. § 794(a))

As a federally funded public entity, Riverside CPS and associated court systems are prohibited from discriminating on the basis of disability. Plaintiff's exclusion from services, access barriers, and systemic retaliation violated this statute. See *Mark H. v. Hamamoto*, 620 F.3d 1090 (9th Cir. 2010).

//

//

Alleged Against:

Riverside CPS, San Bernardino CPS, judicial entities receiving federal funds, and all public programs operating under Section 504 obligations.

III. FAMILY INTEGRITY / PARENTAL RIGHTS CLAIMS

TWENTY-SEVENTH CAUSE OF ACTION

Violation of Right to Familial Association (1st & 14th Amendments – 42 U.S.C. § 1983)

The Constitution protects the parent-child relationship as a fundamental liberty interest. The forced, prolonged separation of Plaintiff from her child—without a judicial finding of unfitness, notice, or hearing—violated her substantive due process right to familial association. See *Troxel v. Granville*, 530 U.S. 57 (2000); *Santosky v. Kramer*, 455 U.S. 745 (1982); *Wallis v. Spencer*, 202 F.3d 1126 (9th Cir. 2000).

Alleged Against:

Riverside CPS, San Bernardino CPS, Christopher Normand, Whitney Mims, court investigators, Judges Cohen and Garcia, and GALs Danielle Kitchen and Mark McGuire.

TWENTY-EIGHTH CAUSE OF ACTION

Wrongful Family Separation (Constitutional Tort under 42 U.S.C. § 1983)

The unlawful seizure and continued concealment of Plaintiff's child, without legal authority, court order, or proper adjudication, constitutes a wrongful separation actionable under § 1983. Plaintiff was neither accused of abuse nor provided due process prior to separation, violating her constitutional rights. See *Lee v. City of Los Angeles*, 250 F.3d 668 (9th Cir. 2001).

Alleged Against:

Latonya Lewis, Officer Tuggle, San Bernardino CPS, Riverside CPS, and Christopher Normand.

TWENTY-NINTH CAUSE OF ACTION

Custodial Interference – Civil Claim (California Penal Code § 278)

Under California law, it is unlawful to maliciously withhold or conceal a child from their legal custodian. Christopher Normand and Whitney Mims refused to return Plaintiff's child upon demand, then filed fraudulent petitions to retain custody under false pretenses. Civil liability for custodial interference is recognized in *In re Marriage of Condon*, 62 Cal. App. 4th 533 (1998).

Alleged Against:

Christopher Normand, Whitney Mims, and those who aided or facilitated their interference, including Riverside CPS and court officers who failed to verify custody status.

THIRTIETH CAUSE OF ACTION

Loss of Consortium – Parent/Child (California Common Law / Derivative of Constitutional Claims)

The prolonged separation of Plaintiff from her minor child, without adjudication of unfitness or abuse, caused her to lose the daily love, companionship, and affection of her son. This loss constitutes emotional and psychological injury and is compensable under California law and federal civil rights doctrine. See *M.B. v. City of San Diego*, 233 F. Supp. 3d 1001 (S.D. Cal. 2017).

Alleged Against:

1 All named Defendants whose actions directly or indirectly contributed to the deprivation of
2 Plaintiff's custodial and relational rights.

3
4 **THIRTY-FIRST CAUSE OF ACTION**

5 **Violation of Fundamental Parental Rights (Federal Constitution – 1st & 14th**
6 **Amendments; California Constitution – Art. I, § 1)**
7

8 Both the U.S. and California Constitutions recognize parenting as a protected fundamental right.
9 Defendants' conduct—including the unlawful seizure, concealment, and court concealment of
10 Plaintiff's status—violated her right to make decisions concerning the care, custody, and control
11 of her child. See *Stanley v. Illinois*, 405 U.S. 645 (1972); *In re B.G.*, 11 Cal. 3d 679 (1974).
12

13 **Alleged Against:**
14

15 Riverside and San Bernardino CPS, Judge Garcia, Judge Cohen, Christopher Normand, Kyndal
16 London, Danielle Kitchen, and all court officials who excluded Plaintiff from proceedings.
17

18 **THIRTY-SECOND CAUSE OF ACTION**

19 **Improper Delegation of State Power to Private Individual (Violation of Due Process – 42**
20 **U.S.C. § 1983)**
21

22 By permitting Christopher Normand—a private individual with a history of threats and
23 violence—to act as de facto custodian through a fraudulent guardianship without court oversight,
24 the State improperly delegated public authority to a private party. Such delegation of state power
25 without safeguards violates due process and has been condemned by courts in *Price v. State of*
26 *Hawaii*, 939 F.2d 702 (9th Cir. 1991) and *Kugler v. Helfant*, 421 U.S. 117 (1975).
27
28

Alleged Against:

Judge Cohen, Riverside Probate Court, Christopher Normand, and court staff who processed guardianship orders without proper review.

IV. STATE LAW CLAIMS – CALIFORNIA TORTS

A. Personal Injury and Negligence-Based Torts

THIRTY-THIRD CAUSE OF ACTION

Intentional Infliction of Emotional Distress (IIED)

Legal Basis: California common law tort; see *Hughes v. Pair*, 46 Cal.4th 1035 (2009).

Summary: Defendants engaged in extreme and outrageous conduct—knowingly submitting false claims of abandonment, denying Plaintiff ADA accommodations, and concealing the unlawful seizure of her child. These actions were intended to, and did, cause severe emotional trauma.

Alleged Against: Riverside CPS, San Bernardino CPS, Christopher Normand, Whitney Mims, Judge Magdalena Cohen, Judge Damien Garcia, Danya Galarza, Fatina Sanders, Kyndal London, Danielle Kitchen, Mark H. McGuire, Shelby Phillips, and Sheri Cruz.

THIRTY-FOUR CAUSE OF ACTION

Negligent Infliction of Emotional Distress (NIED)

Legal Basis: *Molien v. Kaiser Foundation Hospitals*, 27 Cal.3d 916 (1980).

1 **Summary:** Defendants owed Plaintiff a duty of care in handling custody and guardianship
2 proceedings. Their breach of that duty foreseeably caused Plaintiff severe emotional distress.

3
4 **Alleged Against:** Same as above.

5 **THIRTY-FIFTH CAUSE OF ACTION**
6

7 **General Negligence**
8

9 **Legal Basis:** California common law; see Ladd v. County of San Mateo, 12 Cal.4th 913 (1996).

10 **Summary:** Defendants breached their general duties of care by failing to protect Plaintiff's
11 rights, failing to investigate the unlawful seizure, and advancing a fraudulent guardianship.
12

13 **Alleged Against:** All named Defendants and Does 1–50.
14

15 **THIRTY-SIXTH CAUSE OF ACTION**
16

17 **Gross Negligence / Reckless Disregard**
18

19 **Legal Basis:** See City of Santa Barbara v. Superior Court, 41 Cal.4th 747 (2007).

20 **Summary:** Defendants acted with conscious disregard for Plaintiff's safety, rights, and dignity
21 by refusing to correct the unlawful removal and ignoring her disability-based accommodations.
22

23 **Alleged Against:** Same as above.
24

25 **THIRTY SEVENTH CAUSE OF ACTION**
26

27 **Negligent Supervision, Hiring, or Retention**
28

Legal Basis: Doe v. Capital Cities, 50 Cal.App.4th 1038 (1996).

1 **Summary:** Supervisory Defendants failed to properly screen or discipline employees who
2 engaged in fraudulent, biased, or discriminatory conduct.

3
4 **Alleged Against:** San Bernardino County, Riverside County, CPS directors, judicial
5 administration, and Does 1–50.

6
7 **THIRTY- EIGHTH CAUSE OF ACTION**

8 **Negligent Entrustment of Custody**

9
10 **Legal Basis:** Allen v. Toledo, 109 Cal.App.3d 415 (1980).

11 **Summary:** Defendants unlawfully entrusted Plaintiff's minor child to a known dangerous
12 individual (Normand) without investigation or justification.

13
14 **Alleged Against:** Riverside CPS, San Bernardino CPS, Danya Galarza, Fatina Sanders, Judge
15 Magdalena Cohen, Sheri Cruz, and Kyndal London.

16
17 **THIRTY-NINTH CAUSE OF ACTION**

18
19 **Institutional Negligence**

20 **Legal Basis:** C.A. v. William S. Hart Union High School Dist., 53 Cal.4th 861 (2012).

21
22 **Summary:** Defendant agencies failed to implement safeguards, ADA protocols, or appropriate
23 oversight. Their failure caused the unlawful deprivation of Plaintiff's parental rights.

24
25 **Alleged Against:** Riverside County, San Bernardino County, Riverside CPS, San Bernardino
26 CPS, Superior Court administrators.

27
28 //

B. Government Misconduct / Process Abuse

FORTIETH CAUSE OF ACTION

Abuse of Process

Legal Basis: *Rusheen v. Cohen*, 37 Cal.4th 1048 (2006).

Summary: Defendants misused judicial and CPS procedures to wrongfully remove Plaintiff's child and obtain guardianship through fraudulent filings.

Alleged Against: Christopher Normand, Whitney Mims, Danielle Kitchen, Mark H. McGuire, Shelby Phillips, Sheri Cruz, Kyndal London, and Does 1–50.

FORTY- FIRST CAUSE OF ACTION

Malicious Prosecution (Civil)

Legal Basis: *Bertero v. National General Corp.*, 13 Cal.3d 43 (1974).

Summary: Defendants initiated and continued guardianship proceedings without probable cause and with malice.

Alleged Against: Christopher Normand, Shelby Phillips, Danielle Kitchen, and supporting CPS staff.

FORTY-SECOND CAUSE OF ACTION

Fraudulent Misrepresentation

Legal Basis: *Lazar v. Superior Court*, 12 Cal.4th 631 (1996).

Summary: Defendants knowingly made false representations in court filings and investigative reports to deprive Plaintiff of custody.

Alleged Against: Christopher Normand, Whitney Mims, CPS personnel, court investigators, Shelby Phillips, and Mark H. McGuire.

FORTY-THIRD CAUSE OF ACTION

Constructive Fraud (Cal. Civ. Code § 1573.)

Defendants with fiduciary or quasi-fiduciary roles failed to disclose material facts and misled the court.

Alleged Against: Danielle Kitchen, Kyndal London, Mark H. McGuire, Sheri Cruz.

FORTY-FOURTH CAUSE OF ACTION

Fraudulent Concealment

Legal Basis: Pashley v. Pacific Electric Co., 25 Cal.2d 226 (1944).

Defendants concealed the unlawful seizure of Plaintiff's child, suppressed police reports, and omitted Plaintiff from court filings.

Alleged Against: All named CPS Defendants, Christopher Normand, Sheri Cruz, and Does 1–50.

FORTY-FIFTH CAUSE OF ACTION

Fraud on the Court (State Level)

Legal Basis: In re Marriage of Stevenot, 154 Cal.App.3d 1051 (1984).

1 Alleged Against: Normand, Mims, CPS investigators, GALs, and court clerks.

2 **FORTY-SIXTH CAUSE OF ACTION**

3
4 **Civil Conspiracy**

5
6 Legal Basis: Wyatt v. Union Mortgage Co., 24 Cal.3d 773 (1979).

7 Defendants acted in concert to interfere with Plaintiff's rights and conceal misconduct.

8
9 Alleged Against: All named Defendants.

10 **FORTY-SEVENTH CAUSE OF ACTION**

11
12 **Tortious Violation of Civil Rights (California Constitution; common law.)**

13
14 Defendants violated clearly established rights under state law through intentional and reckless
15 acts.

16
17 Alleged Against: All named Defendants.

18 **FORTY-EIGHTH CAUSE OF ACTION**

19
20 **Ultra Vires Acts (California Correctional Peace Officers Assn. v. State Personnel Bd., 10**

21 **Cal.App.4th 132 (1992).)**

22
23 Defendants exceeded their lawful authority by issuing guardianship orders and removing
24 Plaintiff's child without jurisdiction.

25
26 Alleged Against: Judge Cohen, Judge Garcia, Sheri Cruz, CPS supervisors.

FORTY-NINTH CAUSE OF ACTION

Spoliation of Evidence (Intentional or Negligent) (Cedars-Sinai Medical Center v. Superior Court, 18 Cal.4th 1 (1998).)

Defendants failed to preserve critical documents, audio recordings, and evidence of the May 7, 2023 seizure.

Alleged Against: CPS departments, court administration, and attorneys.

FIFTIETH CAUSE OF ACTION

False Light Invasion of Privacy (Gill v. Curtis Publishing Co., 38 Cal.2d 273 (1952).)

Defendants portrayed Plaintiff as an absent, unfit mother in official records and reports.

Alleged Against: CPS agents, court investigators, Normand, Mims.

FIFTY-FIRST CAUSE OF ACTION

Defamation (Libel/Slander in Reports & Court Filings) (Cal. Civ. Code §§ 44–46.)

Defendants knowingly published false statements about Plaintiff's fitness and status.

Alleged Against: CPS agents, court investigators, Normand, Mims.

FIFTY-SECOND CAUSE OF ACTION

Tampering with Evidence (Penal Code § 141)

Defendants altered or suppressed critical evidence to mislead the court.

Alleged Against: CPS investigators, Normand, and Does 1–50.

FIFTY-THIRD CAUSE OF ACTION

Fabrication of Official Records

Legal Basis: *Devereaux v. Abbey*, 263 F.3d 1070 (9th Cir. 2001).

Summary: False records were submitted to support guardianship.

Alleged Against: CPS agents, investigators, and GALs.

FIFTY-FOURTH CAUSE OF ACTION

False Swearing (Cal. Penal Code § 118; *People v. Von Tiese*, 36 Cal.2d 439 (1950).)

Defendants submitted declarations under penalty of perjury containing known falsehoods.

Alleged Against: Normand, Mims, Shelby Phillips, and CPS investigators.

FIFTY-FIFTH CAUSE OF ACTION

Breach of Statutory Duty (Negligence Per Se)

Legal Basis: *Elsner v. Uveges*, 34 Cal.4th 915 (2004); Cal. Evid. Code § 669.

Violations of the Probate Code, Welfare & Institutions Code, and ADA amounted to negligence per se.

Alleged Against: All public agency defendants and legal professionals acting under color of law.

C. Property & Economic-Related Torts

//

FIFTY-SIXTH CAUSE OF ACTION

Conversion (Wrongful Control over Child/Custody)

Legal Basis: Fremont Indem. Co. v. Fremont Gen. Corp., 148 Cal.App.4th 97 (2007).

Plaintiff's lawful custody of her child was usurped through unlawful seizure and guardianship.

Alleged Against: CPS agencies, Normand, Mims.

FIFTY-SEVENTH CAUSE OF ACTION

Tortious Interference with Parental Rights (Cal. Civ. Code § 43.)

Private parties and state actors wrongfully interfered with Plaintiff's right to custody and parent-child relationship.

Alleged Against: Normand, Mims, CPS officials, and court investigators.

FIFTY-EIGHTH CAUSE OF ACTION

Tortious Interference with Prospective Economic Relations (Korea Supply Co. v. Lockheed Martin Corp., 29 Cal.4th 1134 (2003).)

By damaging Plaintiff's reputation and custodial rights, Defendants hindered her housing, employment, and legal standing.

Alleged Against: All named Defendants.

FIFTY-NINTH CAUSE OF ACTION

Unjust Enrichment / Restitution (Ghirardo v. Antonioli, 14 Cal.4th 39 (1996).)

1 Defendants unlawfully benefited from custody, kinship payments, and access to services
2 obtained by fraud.

3
4 Alleged Against: Normand, Mims, CPS, and any agency or entity receiving public funds tied to
5 the child's placement.

6
7 **V. RICO & ENTERPRISE CLAIMS**

8 **(18 U.S.C. § 1961 et seq.)**

9
10 **SIXTIETH CAUSE OF ACTION**

11 **Civil RICO – Pattern of Racketeering Activity (18 U.S.C. §§ 1962(c), 1964(c))**

12
13 Defendants engaged in a coordinated and ongoing pattern of racketeering activity—including
14 fraudulent court filings, concealment of exculpatory evidence, and misuse of government
15 authority—to unlawfully deprive Plaintiff of custody of her child. These acts meet the RICO
16 predicate standards of mail and wire fraud, obstruction of justice, and kidnapping under color of
17 law.

18
19 **Precedent:** Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479 (1985); Hemi Group, LLC v. City of
20 New York, 559 U.S. 1 (2010)

21
22 Alleged Against: All named Defendants involved including CPS, court staff, attorneys, and
23 private parties

24
25
26
27 **SIXTY-FIRST CAUSE OF ACTION**

Enterprise Involving CPS, Court Staff, and Private Parties (18 U.S.C. § 1962(c), (d))

The coordinated conduct among public agencies and private actors—including social workers, GALs, and court officers—constitutes an “enterprise” under RICO. These individuals worked in concert with the common purpose of unlawfully severing Plaintiff’s parental rights through fraudulent guardianship and ADA exclusion.

Precedent: United States v. Turkette, 452 U.S. 576 (1981); Boyle v. United States, 556 U.S. 938 (2009)

Alleged Against: CPS Defendants, County Agencies, Court Personnel, Private Guardian
Petitioners

SIXTY-SECOND CAUSE OF ACTION

Mail and Wire Fraud – Fraudulent Filings & Communications (18 U.S.C. §§ 1341, 1343)

Defendants used U.S. mail and electronic communications to transmit knowingly false reports, fraudulent guardianship pleadings, and fabricated custody documents. These communications were central to the execution of the fraudulent scheme to strip Plaintiff of legal custody and deny her ADA accommodations.

Precedent: Bridge v. Phoenix Bond & Indemnity Co., 553 U.S. 639 (2008)

Alleged Against: Christopher Normand, CPS workers, GALs, court investigators

SIXTY-THIRD CAUSE OF ACTION

Obstruction of Justice / Witness Tampering (18 U.S.C. §§ 1503, 1512)

Several Defendants obstructed Plaintiff's ability to participate in court by ignoring filings, vacating hearings, and suppressing material facts. In addition, Plaintiff was retaliated against for asserting her rights, and third parties were dissuaded from testifying or submitting declarations.

Precedent: United States v. Aguilar, 515 U.S. 593 (1995); Arthur Andersen LLP v. United States, 544 U.S. 696 (2005)

Alleged Against: CPS supervisors, court officials, attorneys

SIXTY-FOURTH CAUSE OF ACTION

Predicate Acts Under RICO (Fraud, False Reports, Concealment) (18 U.S.C. § 1961(1))

The acts detailed above—fraudulent court filings, misrepresentation in guardianship petitions, ADA non-compliance, and repeated obstruction—each constitute separate predicate acts that together form a pattern of racketeering activity as defined by 18 U.S.C. § 1961(5).

Precedent: Schlaifer Nance & Co. v. Estate of Warhol, 119 F.3d 91 (2d Cir. 1997); H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229 (1989)

Alleged Against: All Defendants named under RICO counts

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VI. JUDICIAL MISCONDUCT / SYSTEMIC CLAIMS

SIXTY-FIFTH CAUSE OF ACTION

Extrinsic Fraud (Preventing Case from Being Heard) (Federal Common Law; Inherent Powers Doctrine)

Defendants concealed Plaintiff's parental status and ADA needs, preventing her from participating in any meaningful way. This constitutes extrinsic fraud and renders all orders void ab initio.

Precedent: United States v. Throckmorton, 98 U.S. 61 (1878); Peralta v. Heights Medical Center, 485 U.S. 80 (1988)

Alleged Against: Judicial Officers, Probate Examiner Sheri Cruz, and Court Investigators

SIXTY-SIXTH CAUSE OF ACTION

Denial of Access to Justice via ADA Barriers (42 U.S.C. § 12132; California Gov't Code § 11135)

Despite notice of Plaintiff's disabilities, Defendants failed to provide reasonable accommodations, denied access to proceedings, and suppressed filings, violating Title II of the ADA and California disability law.

Precedent: Tennessee v. Lane, 541 U.S. 509 (2004); Clark v. California, 123 F.3d 1267 (9th Cir. 1997)

Alleged Against: Riverside and San Bernardino Superior Courts, Court Staff, CPS

1 **SIXTY-SEVENTH CAUSE OF ACTION**

2
3 **Pattern and Practice of Civil Rights Violations (42 U.S.C. § 14141 (pattern or practice**
4 **enforcement))**

5 The systemic exclusion of Plaintiff from judicial process, discriminatory ADA practices, and
6 guardianship fraud reflect an institutional pattern and practice of violating the civil rights of
7 disabled parents—supporting federal oversight or DOJ enforcement action.

8
9 **Precedent:** United States v. City of Los Angeles, 288 F.3d 391 (9th Cir. 2002)

10
11
12 **SIXTY-EIGHTH CAUSE OF ACTION**

13
14 **Failure to Train / Supervise (Monell Liability) (42 U.S.C. § 1983; Monell v. Dep’t of Soc.**
15 **Servs., 436 U.S. 658 (1978))**

16
17 Defendants failed to train and supervise court staff, investigators, and social workers in ADA
18 compliance, due process, and parental rights protections, resulting in constitutional deprivations.

19
20 **Precedent:** City of Canton v. Harris, 489 U.S. 378 (1989)

21 Alleged Against: Riverside County, San Bernardino County, CPS Directors, Court
22 Administration
23

24
25
26 **SIXTY-NINTH CAUSE OF ACTION**

Bias / Discriminatory Practices by Court or Agency (42 U.S.C. §§ 1983, 12132; California Constitution, Art. I)

Defendants consistently demonstrated racial and ableist bias against Plaintiff, a disabled Black mother. Court rulings and agency reports reflected stereotypes, omitted exculpatory facts, and disregarded due process protections.

Precedent: *Batson v. Kentucky*, 476 U.S. 79 (1986); *Village of Arlington Heights v. Metro. Housing Dev. Corp.*, 429 U.S. 252 (1977)

Alleged Against: Judge Cohen, Judge Garcia, Probate Examiner Cruz, and CPS Investigators

SEVENTIETH CAUSE OF ACTION

Violation of Public Trust Doctrine (California Constitution; Public Policy Principles)

By enabling the illegal removal of a child, supporting a fraudulent guardianship, and violating due process and disability rights, Defendants breached their public duty to protect families and uphold justice. This conduct warrants both equitable relief and civil penalties.

Precedent: *Lynch v. Household Finance Corp.*, 405 U.S. 538 (1972); *People ex rel. Lockyer v. R.J. Reynolds Tobacco Co.*, 37 Cal.4th 707 (2005)

Alleged Against: All Government Agencies and Courts Involved

//

VII. CHILD WELFARE & DEPENDENCY LAW VIOLATIONS

SEVENTY- FIRST CAUSE OF ACTION

Violation of WIC §§ 305–308 (Improper Custody)

These provisions govern the lawful removal of a child without a court order. Under § 305, a child may only be taken into temporary custody by a peace officer or social worker when exigent circumstances exist. Defendants violated these provisions by seizing Plaintiff’s child on May 7, 2023, without a warrant, exigent risk, or proper judicial authorization.

Precedent: Wallis v. Spencer, 202 F.3d 1126, 1138 (9th Cir. 2000) (children cannot be removed without prior judicial authorization unless there is specific, immediate threat of serious harm); Rogers v. County of San Joaquin, 487 F.3d 1288, 1297 (9th Cir. 2007)

Alleged Against: Riverside CPS, San Bernardino CPS, and assisting law enforcement

//

SEVENTY-SECOND CAUSE OF ACTION

Failure to Investigate or Report Mandated Concerns (Cal. Penal Code §§ 11165.7, 11166; WIC § 328)

Mandated reporters failed to properly investigate allegations of neglect and abuse raised against the guardian household, while simultaneously pursuing unsupported claims against Plaintiff. The failure to investigate credible concerns, combined with selective reporting, resulted in dangerous placement and further constitutional violations.

Precedent: Costanich v. Dep’t of Soc. & Health Servs., 627 F.3d 1101, 1112 (9th Cir. 2010) (deliberate fabrication of child welfare reports violates due process)

1 Alleged Against: CPS workers, investigators, and assigned social workers

2
3 //

4 **SEVENTY-THIRD CAUSE OF ACTION**

5
6 **Violation of Family Code § 7892 (Unlawful TPR Attempt)**

7 This provision prohibits filing for termination of parental rights (TPR) unless the requirements
8 of due notice, evidence of unfitness, and full adjudicatory hearings are met. Defendants
9 conspired to terminate Plaintiff's parental rights by manufacturing a guardianship, evading
10 dependency court, and proceeding without service, hearing, or findings—thus violating § 7892.

11
12 **Precedent:** Santosky v. Kramer, 455 U.S. 745 (1982) (requiring clear and convincing evidence
13 of unfitness for TPR); M.L.B. v. S.L.J., 519 U.S. 102 (1996)

14
15 Alleged Against: CPS, GAL, and Guardian Petitioner(s)

16
17 //

18
19 **SEVENTY- FOURTH CAUSE OF ACTION**

20 **Lack of Background Checks (Probate Code § 1513 Violation)**

21
22 Section 1513 mandates a full investigation, including criminal background checks, for
23 prospective guardians. Plaintiff asserts that no such checks were conducted, or they were
24 knowingly ignored, allowing placement of the child in a home with individuals with serious
25 criminal records, domestic violence history, and unvetted behavioral concerns.

1 Precedent: In re G.C., 216 Cal.App.4th 1391, 1399–1401 (2013) (failure to conduct proper
2 assessment prior to guardianship placement violates statutory duties and risks harm)

3
4 Alleged Against: Court investigators, CPS, and Guardian Petitioner

5 //
6

7 **SEVENTY-FIFTH CAUSE OF ACTION**

8 **Improper Use of Guardianship to Evade Dependency Proceedings**

9
10 Legal Basis: Family Code, Probate Code, and Due Process Principles

11
12 Defendants engaged in an intentional scheme to bypass the constitutional and procedural
13 protections of dependency court by misusing probate guardianship. This maneuver deprived
14 Plaintiff of reunification services, counsel, and evidentiary hearings. Such tactics constitute a
15 misuse of judicial process for the purpose of deprivation.
16

17 Precedent: Doe v. Lebbos, 348 F.3d 820 (9th Cir. 2003) (guardianship proceedings cannot be
18 used to short-circuit dependency due process); In re Charlotte D., 45 Cal.App.5th 139 (2020)

19
20 Alleged Against: Court actors, Guardian Petitioner, CPS

21 //
22

23 **SEVENTY- SIXTH CAUSE OF ACTION**

24 **CPS Procedural Fraud / Ghost Dependency (WIC §§ 300–366.26; Procedural Due Process)**

25
26 Alleged Against: CPS, Social Workers, County Counsel
27
28

1 Defendants initiated a “ghost dependency” by orchestrating removal, placement, and case control
2 without ever filing an official dependency case. This deprived Plaintiff of her right to court-
3 appointed counsel, adjudicatory review, and appeal—despite full exercise of state power over
4 custody. Such deception is a violation of both procedural and substantive due process.
5

6 Precedent: Ramirez v. County of Los Angeles, 397 F. Supp. 2d 1208 (C.D. Cal. 2005); Tamas v.
7 Dep’t of Social & Health Servs., 630 F.3d 833, 844–45 (9th Cir. 2010)
8

9 //

10 **VIII. EQUITABLE CLAIMS & EXTRAORDINARY RELIEF**

11
12 //

13 **SEVENTY- SEVENTH CAUSE OF ACTION**

14 **Declaratory Judgment (28 U.S.C. § 2201)**

15
16
17 Plaintiff seeks a declaratory judgment establishing that the actions of Defendants—including
18 seizure without warrant or hearing, fraudulent concealment of dependency, and misuse of
19 probate guardianship—violated federal and state law. Declaratory relief is necessary to prevent
20 future violations and clarify legal obligations.
21

22 **Precedent:** Steffel v. Thompson, 415 U.S. 452, 458–60 (1974) (declaratory relief appropriate to
23 resolve constitutional disputes); Super Tire Engineering Co. v. McCorkle, 416 U.S. 115 (1974)
24

25 **Alleged Against:** Riverside CPS, San Bernardino CPS, County Counsel, Guardian Petitioner(s),
26 Judicial Officers
27

28 //

SEVENTY-EIGHTH CAUSE OF ACTION

Injunctive Relief (FRCP Rule 65)

Plaintiff seeks preliminary and permanent injunctive relief to halt the continued concealment of her child, prevent further ADA violations, and restore constitutionally protected custody. Injunction is necessary to avoid irreparable harm and because no adequate remedy at law exists.

Precedent: Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); McCormack v. Hiedeman, 694 F.3d 1004 (9th Cir. 2012)

Alleged Against: All defendants, including state actors and private parties involved in ongoing harm

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SEVENTY-NINTH CAUSE OF ACTION

Mandamus to Compel Agency Investigation or Correction (All Writs Act, 28 U.S.C. § 1651(a))

Plaintiff requests a writ of mandamus to compel oversight agencies to investigate and correct violations by subordinate CPS actors, including procedural fraud, removal without process, and guardianship misuse. The agency has a nondiscretionary duty to act.

Precedent: Cheney v. U.S. Dist. Court, 542 U.S. 367 (2004); Barron v. Reich, 13 F.3d 1370 (9th Cir. 1994)

Alleged Against: CPS supervisory personnel, state agencies

EIGHTIETH CAUSE OF ACTION

Constructive Trust (Over Misused Public Funds or Benefits) (Equitable Doctrine of Constructive Trust)

Plaintiff alleges that Defendants received and misused public benefits (e.g., Title IV-E funds) by perpetuating unlawful custody and disability-based exclusion. Plaintiff seeks the imposition of a constructive trust over such misappropriated funds.

Precedent: Wells Fargo Bank v. D & M Cabinets, 177 Cal. App. 4th 59 (2009); United States v. Pegg, 812 F.2d 1469 (4th Cir. 1987)

Alleged Against: Guardian Petitioner(s), CPS agencies receiving federal/state funding

//

EIGHTY-FIRST CAUSE OF ACTION

Estoppel by Misconduct (Equitable Estoppel under Federal and State Law)

Defendants induced Plaintiff to rely on official assurances of due process and child welfare protections, then acted in contravention of those representations. Defendants are estopped from asserting lawful justification for their actions.

Precedent: Heckler v. Cmty. Health Servs., 467 U.S. 51 (1984); In re Marriage of Stevenot, 154 Cal.App.3d 1051 (1984)

Alleged Against: CPS, Guardian Petitioner(s), Court Officers

//

EIGHTY-SECOND CAUSE OF ACTION

Judicial Estoppel (Common Law Equitable Doctrine)

Defendants advanced contradictory factual and legal positions in multiple court proceedings—first denying dependency jurisdiction, then asserting state control over custody—warranting judicial estoppel.

Precedent: New Hampshire v. Maine, 532 U.S. 742 (2001); Hamilton v. State Farm Fire & Cas. Co., 270 F.3d 778 (9th Cir. 2001)

Alleged Against: Guardian Petitioner(s), County Counsel

EIGHTY-THIRD CAUSE OF ACTION

83. Collateral Estoppel (Inconsistent Govt Positions)

Legal Basis: Federal Common Law Doctrine of Issue Preclusion

Alleged Against: CPS, Guardian Petitioner(s)

Summary: Government actors are barred from relitigating factual issues resolved in Plaintiff's favor in administrative or related proceedings, including parental fitness, lack of dependency court adjudication, and ADA eligibility.

Precedent: Allen v. McCurry, 449 U.S. 90 (1980); Lucido v. Superior Court, 51 Cal.3d 335 (1990)

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EIGHTY – FOURTH CAUSE OF ACTION

Laches or Unclean Hands (Petitioner Abuse)

Legal Basis: Equitable Doctrines of Laches and Unclean Hands

Alleged Against: Guardian Petitioner(s), Court Officers

Summary: Guardian actors delayed, misrepresented facts, and misused legal process, barring their continued claims to custody and control. Their misconduct constitutes unclean hands and triggers equitable bars to relief.

Precedent: Precision Instrument Mfg. Co. v. Auto. Maint. Mach. Co., 324 U.S. 806 (1945);

Campbell v. Superior Court, 132 Cal.App.4th 904 (2005)

EIGHTY – FIFTH CAUSE OF ACTION

Void Judgment Doctrine (Lack of Jurisdiction or Notice)

Legal Basis: Due Process Clause, FRCP Rule 60(b)(4)

Alleged Against: Probate Court, Guardian Petitioner(s), Court Clerks

Summary: Any guardianship order or custody-related judgment obtained without personal jurisdiction, service of process, or subject-matter jurisdiction is void. Plaintiff never received notice or hearing, rendering all orders constitutionally infirm.

Precedent: United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260 (2010); Mullane v. Cent.

Hanover Bank & Trust Co., 339 U.S. 306 (1950)

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EIGHT- SIXTH CAUSE OF ACTION

Rule 60(b)(3) – Fraud / Misrepresentation in Court Orders

Legal Basis: Federal Rule of Civil Procedure 60(b)(3)

Alleged Against: Guardian Petitioner(s), Court Filers, CPS

Summary: Plaintiff seeks relief from judgments or orders procured through fraud, misrepresentation, or misconduct—specifically relating to concealment of CPS involvement, suppression of exculpatory records, and false sworn statements in court filings.

Precedent: Gonzalez v. Crosby, 545 U.S. 524 (2005); In re M/V Peacock, 809 F.2d 1403 (9th Cir. 1987)

IX. EMERGING TORTS & STRATEGIC CLAIMS

EIGHTY-SEVENTH CAUSE OF ACTION

Reckless Endangerment of a Vulnerable Adult

Legal Basis: Common Law Tort; Elder/Vulnerable Adult Protection Principles

Alleged Against: CPS Agents, Supervisors, County Officials

Summary: Defendants knowingly subjected Plaintiff, a disabled and vulnerable adult, to harmful conditions including forced separation from her child, psychological trauma, and institutional abandonment, despite known risks and protected status.

Precedent: People v. Rippberger, 231 Cal.App.3d 1667 (1991); Rolf D. v. Lampert Y., 145 Cal.App.3d 201 (1983)

EIGHTY-EIGHTH CAUSE OF ACTION

Pattern of Psychological Abuse (State-Sanctioned Trauma)

Legal Basis: Emerging Tort Theory; Civil Rights Framework

Alleged Against: CPS, Guardian Petitioners, Judicial Officers

Summary: Defendants engaged in a sustained course of action—endorsed or ignored by state actors—that caused severe emotional and psychological harm through repeated separation, denial of services, and threats, constituting state-sanctioned trauma.

Precedent: *Hope v. Pelzer*, 536 U.S. 730 (2002); *Wood v. Ostrander*, 879 F.2d 583 (9th Cir. 1989)

EIGHTY-NINTH CAUSE OF ACTION

Intentional Tort for Exploitation of Disabled Parent

Legal Basis: Common Law Intentional Tort; ADA Principles

Alleged Against: Guardian Petitioners, CPS Actors

Summary: Plaintiff was deliberately targeted and exploited by defendants who used her disability status to fabricate unfitness, secure control over her child, and circumvent oversight, resulting in severe harm.

Precedent: *Olmstead v. L.C.*, 527 U.S. 581 (1999); *Robles v. Employment Dev. Dep't*, 124 Cal.App.4th 365 (2004)

NINTIETH CAUSE OF ACTION

Violation of Public Policy (Common Law & CA Constitution)

Legal Basis: Tameny v. Atlantic Richfield Co., 27 Cal.3d 167 (1980); Cal. Const. art. I, § 7

Alleged Against: All Defendants

Summary: Defendants violated fundamental public policies safeguarding due process, parental rights, and disability protections by engaging in unlawful seizure, concealment, retaliation, and misrepresentation.

Precedent: Green v. Ralee Eng'g Co., 19 Cal.4th 66 (1998); Tameny, supra

NINETY – FIRST

Fraudulent Abuse of Government Process

Legal Basis: Common Law Abuse of Process; Civil Fraud

Alleged Against: County Counsel, CPS Actors, Guardian Petitioner

Summary: Government processes (e.g., court filings, custody claims) were deliberately misused through deception, false statements, and omission of material facts to obtain unlawful custody and harm Plaintiff.

Precedent: Younger v. Solomon, 38 Cal.App.3d 289 (1974); Barquis v. Merchants Collection Assn., 7 Cal.3d 94 (1972)

NINETY SECOND CAUSE OF ACTION

Child Abduction by Public Officer (Penal Code §§ 278/278.5)

1 **Legal Basis:** Cal. Penal Code §§ 278, 278.5 (civil application)

2 **Alleged Against:** CPS Workers, Law Enforcement

3
4 Summary: Plaintiff alleges unlawful removal and concealment of her minor child by public
5 officers without proper court order, warrant, or exigent circumstances, constituting abduction
6 under state law.
7

8 **Precedent:** In re Andrew M., 81 Cal.App.4th 877 (2000); In re B.G., 11 Cal.3d 679 (1974)

9
10 **NINETY THIRD CAUSE OF ACTION**

11 **Denial of Due Process in Guardianship**

12
13 **Legal Basis:** 14th Amendment; Cal. Prob. Code §§ 1510 et seq.

14
15 **Alleged Against:** Probate Court, Guardian Petitioner(s), County Counsel

16 Summary: Plaintiff was denied procedural due process—including notice, hearing, and
17 opportunity to respond—when guardianship orders were obtained without lawful service,
18 representation, or adjudication.
19

20 **Precedent:** Mullane v. Central Hanover Bank, 339 U.S. 306 (1950); Lassiter v. Dept. of Soc.
21 Servs., 452 U.S. 18 (1981)
22

23 **NINETY FOURTH CAUSE OF ACTION**

24 **Failure to Correct Known Falsehoods (Supervisory Liability)**

25
26 **Legal Basis:** 42 U.S.C. § 1983; Monell Liability

27
28 **Alleged Against:** CPS Supervisors, County Directors, Legal Counsel

1 **Summary:** Supervisory officials failed to intervene or correct known falsehoods propagated by
2 subordinates in court documents, reports, and sworn affidavits, contributing to Plaintiff's
3 ongoing harm.
4

5 **Precedent:** Taylor v. List, 880 F.2d 1040 (9th Cir. 1989); Hydrick v. Hunter, 669 F.3d 937 (9th
6 Cir. 2012).
7

8 **NINETY FIFTH CAUSE OF ACTION**

9 **Use of Civil Court to Evade Criminal or Dependency Safeguards**

10
11 **Legal Basis:** 14th Amendment; Cal. WIC §§ 300 et seq.; Due Process Clause
12

13 **Alleged Against:** CPS, County Counsel, Guardian Petitioner

14 **Summary:** Defendants circumvented dependency procedures—such as mandated filings, notice,
15 and reunification efforts—by using probate court and civil litigation to achieve permanent
16 separation of mother and child.
17

18 **Precedent:** Santosky v. Kramer, 455 U.S. 745 (1982); M.L.B. v. S.L.J., 519 U.S. 102 (1996).
19

20 **NINETY SIXTH CAUSE OF ACTION**

21 **Violation of California Gov. Code § 11135 (Disability)**

22
23 **Legal Basis:** Cal. Gov't Code § 11135
24

25 **Alleged Against:** CPS Agencies Receiving State Funds
26
27
28

1 **Summary:** Plaintiff was denied equal access to programs and services administered by state-
2 funded entities due to her disability, in violation of California's analogue to Section 504 of the
3 Rehabilitation Act.

4
5 **Precedent:** Gov. Code § 11135(b); Mark H. v. Lemahieu, 513 F.3d 922 (9th Cir. 2008)

6
7 **NINETY SEVENTH CAUSE OF ACTION**

8 **Violation of California Civil Code § 51 (Unruh Civil Rights Act)**

9
10 **Legal Basis:** Cal. Civ. Code § 51

11 **Alleged Against:** CPS, Public Agencies, Guardian Petitioner(s)

12
13 **Summary:** Plaintiff, a disabled individual, was denied full and equal access to public
14 accommodations and services due to her disability and race, violating the Unruh Civil Rights
15 Act.

16
17 **Precedent:** Koebeke v. Bernardo Heights Country Club, 36 Cal.4th 824 (2005); Angelucci v.
18 Century Supper Club, 41 Cal.4th 160 (2007)

19
20 **NINETY EIGHTH CAUSE OF ACTION**

21 **Violation of California Civil Code § 52.1 (Bane Act)**

22
23 **Legal Basis:** Cal. Civ. Code § 52.1

24 **Alleged Against:** CPS, Guardian Petitioners, Law Enforcement

25
26 **Summary:** Defendants interfered with Plaintiff's constitutional and statutory rights through
27 intimidation, coercion, and threats, including disability-related retaliation and procedural abuse.
28

1 **Precedent:** Venegas v. County of Los Angeles, 32 Cal.4th 820 (2004); Cornell v. City and
2 County of San Francisco, 17 Cal.App.5th 766 (2017)

3
4 **NINETY NINTH CAUSE OF ACTION**

5 Disparate Impact Discrimination (FHA/ADA Overlap)

6
7 **Legal Basis:** Fair Housing Act (42 U.S.C. § 3604), ADA Title II

8
9 **Alleged Against:** CPS, Shelter Providers, County Programs

10 **Summary:** Plaintiff suffered adverse treatment from policies that, while neutral on their face,
11 disproportionately harmed her due to disability status, violating anti-discrimination statutes.

12
13 **Precedent:** Texas Dept. of Housing v. Inclusive Communities Project, Inc., 576 U.S. 519 (2015);
14 Tsombanidis v. W. Haven Fire Dep't, 352 F.3d 565 (2d Cir. 2003)

15
16 **ONE HUNDRETH CAUSE OF ACTION**

17 **Whistleblower Retaliation (Public Advocacy on Agency Failures)**

18
19 **Legal Basis:** First Amendment; Labor Code § 1102.5; 42 U.S.C. § 1983

20
21 **Alleged Against:** CPS, Supervisors, County Counsel

22 **Summary:** Plaintiff suffered retaliation for protected whistleblower activity, including reporting
23 agency misconduct, fraud, and noncompliance with federal housing/disability laws.

24
25 **Precedent:** Pickering v. Board of Education, 391 U.S. 563 (1968); Greene v. Doruff, 660 F.3d
26 975 (7th Cir. 2011)

27
28 //

ONE HUNDRED -FIRST CAUSE OF ACTION

Chilling Effect on Constitutional Advocacy

Legal Basis: First Amendment; 42 U.S.C. § 1983

Alleged Against: CPS, Guardian Petitioners, Law Enforcement, Court Staff

Summary: Defendants engaged in conduct intended to suppress, discourage, or penalize Plaintiff's exercise of constitutional rights—particularly advocacy under the ADA, pursuit of custody, and redress through courts.

Precedent: *Wilson v. Garcia*, 471 U.S. 261 (1985); *CarePartners, LLC v. Lashway*, 428 F. Supp. 3d 922 (W.D. Wash. 2019)

SECTION XI: DAMAGES AND INJURIES

Plaintiff Courtney Ryles Caal has sustained severe, ongoing, and multifaceted injuries as a direct and proximate result of the unlawful acts, omissions, and conspiratorial conduct of Defendants, including local and state child welfare agencies, law enforcement, court officers, and private individuals acting under color of state law.

A. Emotional and Psychological Harm

Plaintiff has endured over 700 days of continuous emotional trauma resulting from the unlawful seizure, concealment, and retention of her minor child. This trauma includes but is not limited to:

- Severe anxiety and depression
- Post-traumatic stress symptoms

- Ongoing grief and psychological anguish
- Loss of familial companionship and emotional bond with her child
- Sleep disturbances and panic attacks

This harm is compounded by Plaintiff's status as a disabled parent, as the deprivation of her parental rights intersects with systemic discrimination and ADA violations, further deepening psychological distress.

B. Physical and Health-Related Harm

As a disabled individual, Plaintiff has experienced exacerbation of existing physical conditions due to elevated stress, compounded by:

- Denial of access to healthcare and accommodations during court proceedings
- Increased health complications due to lack of ADA access
- Emotional distress manifesting in somatic symptoms

C. Loss of Liberty and Constitutional Rights

Plaintiff's constitutional rights have been violated in numerous ways, including but not limited to:

- Loss of parental custody and control without due process
- Denial of access to courts and legal redress
- Deprivation of her child without lawful adjudication

- Discriminatory treatment on the basis of disability, race, and protected speech

D. Economic and Financial Losses

- Plaintiff has incurred financial hardship due to being excluded from public services and programs designed to support parents
- Loss of income and employment opportunities due to time spent fighting unlawful actions and preparing pro se litigation
- Costs of transportation, legal filings, medical treatment, and trauma-related care
- Unreimbursed out-of-pocket expenses associated with efforts to reunify with her child

E. Reputational and Social Harm

- Plaintiff's reputation has been irreparably damaged by false narratives, defamatory filings, and misrepresentations in court reports and proceedings
- Plaintiff has experienced public stigma, isolation, and loss of community support
- The prolonged concealment of her child and absence of a lawful judicial remedy have cast unwarranted suspicion on her fitness as a parent

F. Harm to the Minor Child

- Though not the direct plaintiff, the minor child has suffered:
- Loss of parental guidance, nurturing, and familial identity
- Psychological confusion and institutional trauma due to abrupt separation
- Exposure to unsafe or unvetted environments due to failure of background checks
- Denial of maternal contact, cultural heritage, and disability accommodations

G Future Harm and Irreparable Injury

Unless this Court grants immediate injunctive relief, the following irreparable harms are likely and imminent:

- Permanent loss of custody without due process, risking unlawful termination of parental rights;
- Deep and lasting damage to the parent-child bond, including trauma from prolonged separation;
- Psychological injury to the child caused by identity confusion, forced detachment, and emotional instability;
- Increased risk of abuse or neglect due to placement with individuals with confirmed criminal histories;
- Entrenchment of systemic discrimination against Plaintiff based on disability, socioeconomic status, and protected speech;
- Barriers to reunification and legal remedy, as delayed relief compounds procedural prejudice;
- Violation of constitutional rights that no monetary remedy can cure, including rights under the First, Fourth, and Fourteenth Amendments;
- Loss of a critical developmental window for the child, during which maternal presence, emotional security, and cultural identity formation are irreplaceable.

SECTION XII: PRAYER FOR RELIEF

WHEREFORE, Plaintiff Courtney Ryles Caal respectfully prays that this Court enter judgment in her favor and against all named Defendants, jointly and severally, and award the following relief:

A. Declaratory Relief

1. A declaration that the May 7, 2023 seizure of Plaintiff's minor child was unlawful and violated the Fourth and Fourteenth Amendments.
2. A declaration that the Probate Court's actions, including the March 3, 2025 Order and related filings, are void for lack of jurisdiction under the UCCJEA and due to ADA noncompliance.
3. A declaration that Defendants' actions constitute ongoing violations of 42 U.S.C. § 1983, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Fair Housing Act (FHA).
4. A declaration that the guardianship proceeding is constitutionally and statutorily defective and must be vacated in full.

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B. Injunctive Relief (Preliminary and Permanent)

5. An order immediately staying or vacating the guardianship established pursuant to the May 8, 2023 petition.
6. An order directing the immediate reunification of Plaintiff and her minor child, unless and until a lawful dependency hearing is convened pursuant to WIC § 300 et seq. with full ADA accommodations.
7. An order restraining all named Defendants from initiating or continuing any custody or guardianship proceedings without complying with due process, ADA Title II, and Section 504 mandates.
8. An order compelling Defendants to correct the public record, including removal of false reports, dockets, and agency filings that misrepresent Plaintiff's parental fitness, disability status, or criminal history.
9. An order directing training for CPS, court staff, and law enforcement on ADA compliance and constitutional protections in guardianship and dependency cases.

C. Compensatory Damages

10. For emotional distress, trauma, and psychological harm: in an amount exceeding \$1,000,000, to be determined by the trier of fact.
11. For economic losses, including out-of-pocket expenses, loss of income, and legal costs: in an amount exceeding \$250,000.
12. For reputational harm and damage to familial integrity: in an amount to be determined at trial.

1 13. For ADA discrimination and systemic denial of services: in an amount to be
2 determined by the trier of fact, pursuant to 42 U.S.C. § 12133 and 29 U.S.C. § 794a.

3
4 //

5
6
7 **D. Punitive and Treble Damages**

8
9 14. An award of **punitive damages** against all individual Defendants whose conduct was
10 willful, malicious, or in reckless disregard of Plaintiff's rights;

11 15. An award of **treble damages** under applicable federal and California law, including:

- 12
13 • **42 U.S.C. §§ 1985–1986** (conspiracy and failure to prevent);
14
15 • **Cal. Civ. Code §§ 52, 3345**, and related statutes protecting disabled individuals and
16 victims of intentional misconduct;

17 An amount sufficient to deter future misconduct, to be determined at trial.
18

19 **E. Statutory Penalties and Fees**

20
21 8. Statutory damages and penalties for ADA and civil rights violations;

22 9. Attorneys' fees and costs pursuant to:

- 23
24 ○ **42 U.S.C. § 1988** (Civil Rights Attorney's Fees Award Act);
25
26 ○ **42 U.S.C. § 12205** (ADA);
27
28 ○ **29 U.S.C. § 794a(b)** (Section 504 of the Rehabilitation Act);

- Any other applicable statutory or equitable basis;

F. Costs and Attorney's Fees

16. An award of reasonable costs and pro se litigation expenses pursuant to 42 U.S.C.

§ 1988(b), the ADA, and all applicable provisions of law.

17. A grant of leave to request appointment of counsel for equitable proceedings and post-trial motions.

G. Additional and Equitable Relief

- Creation of a constructive trust over any government funds or benefits obtained through fraud or misrepresentation related to this guardianship.
- An order requiring CPS and court agencies to perform audits and release unredacted records to the Plaintiff.
- Any further relief the Court deems just, proper, and necessary to prevent future harm and to fully restore Plaintiff's parental rights, dignity, and equal protection under law.

VERIFICATION

I, Courtney Ryles Caal, declare under penalty of perjury that I am the Plaintiff in the above-entitled action. I have read the foregoing Verified Complaint and know the contents thereof. The facts stated therein are true and correct of my own knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

Executed on this ____ day of _____, 2025, at San Bernardino, California.

Courtney Ryles Caal

Plaintiff in Pro Se

SECTION XIV: INDEX OF SUPPORTING EXHIBITS AND EVIDENCE

(Filed concurrently with Complaint and incorporated by reference into all causes of action)

Plaintiff submits the following exhibits as direct support for factual allegations, jurisdictional objections, and causes of action stated throughout this Complaint:

EXHIBIT 1 – MAY 8, 2023 GUARDIANSHIP PETITION

- Filed in Riverside County Probate Court
- Initiated guardianship over Plaintiff’s minor child without jurisdiction
- Omitted CPS involvement, ADA status of Plaintiff, and prior dependency history
- Materially misrepresents the “routine” nature of child placement following warrantless seizure

EXHIBIT 2 – MAY 8, 2023 UCCJEA DECLARATION

- Confirms child’s “home state” was San Bernardino, not Riverside
- Fails to disclose existing CPS proceedings or custody orders
- Violates UCCJEA provisions under Cal. Fam. Code §§ 3402–3421

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EXHIBIT 3 – “NO DOCKET” FILING

- Verifies that no juvenile dependency case was filed or active at the time of guardianship
- Confirms guardianship was used to bypass WIC §§ 300–366.26 protections

- Suggests intentional concealment or docket manipulation

EXHIBIT 4 – JANUARY 2, 2025 PROBATE CODE § 1513(b) REPORT

- Fails to include required background checks, home study, or reunification analysis
- adult household criminal history
- Ignores Plaintiff’s parental rights, objections, and ADA disability status

EXHIBIT 5 – FEBRUARY 14, 2025 § 1513(b) SUPPLEMENTAL REPORT

- Admits no criminal background clearance from CFS was provided
- Maintains prior omissions and offers no corrective disclosures
- Demonstrates systemic noncompliance with Probate Code § 1513(b)

EXHIBIT 6 – MARCH 3, 2025 COURT ORDER

- Reaffirms guardianship without addressing jurisdictional, ADA, or due process defects
- Fails to investigate the improper seizure or Plaintiff’s legal objections
- Illustrates court’s reliance on void proceedings and suppressed evidence

EXHIBIT 7 – POLICE REPORT / INCIDENT SUMMARY (May 7, 2023)

- Confirms child was taken without warrant or court order
- Indicates presence of concealed law enforcement officer (San Bernardino Sheriff, Ofc. Shannon)
- No documentation of exigency, probable cause, or notice to parent

EXHIBIT 8 – PLAINTIFF’S WRITTEN ADA ACCOMMODATION REQUESTS

- Sent to Riverside and San Bernardino agencies and/or court
- Includes documentation of disability, barriers to access, and legal objections
- Demonstrates systemic refusal to accommodate disabled parent in proceedings

EXHIBIT 9 – SWORN DECLARATIONS FROM PLAINTIFF AND WITNESSES

- Details seizure of the child, procedural violations, and emotional distress
- Supports IIED, NIED, ADA violations, and unlawful seizure claims
- Affirms Plaintiff’s status as biological mother with no TPR or dependency adjudication